



Ms. C. L. Wood

James Hay
Sept 1867.



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arguments in
favor of the con-
stitution.



THE
AMERICAN SAFEGUARD,

OR

THE CONSTITUTION OF THE UNITED STATES,
WITH ITS POLITICAL HISTORY.

ALSO, CONTAINING

A BRIEF TREATISE ON POLITICAL ECONOMY,

WITH QUOTATIONS FROM THE EARLY PRESIDENTS,

AND

PARLIAMENTARY RULES,

BY ISAAC COX.

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PREFACE.

It is unfortunately true of the sovereign people of the United States, that they are not generally well informed as to the fundamental law of the land; and, in a majority of cases, they do not possess in their homes a copy of the Constitution upon which the whole framework of our Government rests. In view of this, and in the hope of bringing within the reach of the people at large the Constitution, with many facts concerning the Government, as well as the nobly expressed views of some of the greatest of the nation's fathers, this volume is offered to the public. It would be difficult, in this connection, to say anything new and say it well; which fact being appreciated by the author, this work assumes the form of a compilation, presenting to the reader the National Constitution and its amendments, a view of the operations of Government under its workings, and the sayings of men, many of whom were its framers. There will also be found other matter of general and appropriate interest; and the whole is offered at a time when the public exigency demands that our people shall be well informed, and act upon information in the light of experience.

The Constitution was framed and adopted after a practical experience of the workings of the Articles of Confederation, adopted by the Colonies after the war of our independence. It was the aim of the wise and good men who guided the nation to victory, to frame as just and perfect a system of Government as human wisdom could devise, or a free people could attain; and the work was undertaken when the enthusiasm of victorious revolution was past, and time had demonstrated the need of union, to achieve greater strength and more complete prosperity. It was conceived in wisdom, patriotism planned it, and harmony was long secured by its adoption. The diverse interests of varying climes then met, and in the spirit of com-

promise, planned a nation whose achievements have been grand and whose greatness is wonderful.

It is most essential to national prosperity that a correct and general knowledge of the principles of Government should prevail among the people, and that each voter shall comprehend the basis upon which the magnificent superstructure of Government is erected. A strict observance of the spirit of the Constitution has ever secured beneficent results, while a departure from its principles has brought inevitable disaster. We are a sovereign people; free, because intelligent, and the more intelligent we become, the more secure our freedom will remain. If the labors of the author shall result in placing in the hands of the people information as to the source whence springs the power and glory of our nation, and so prepare them for the performance of their political duties, then his aims will have been well answered. Then the machinations of the ambitious, the fanaticism of the extremist, the treason of the monarchist, the passions of the anarchist, will happily prove alike vain and harmless.

The head and heart are so nearly one, that in properly educating the former we are purifying the latter. In developing a knowledge of the principles of our Government, we will discover as a result a true patriotism ever determined to preserve it. This should be the study of the young, and a part of the wisdom of maturer years. The young should bring to the study of our national compact and fundamental law reverential devotion, akin to that with which they study the sacred decalogue; and the words of those great men, the nation's fathers, who buried prejudice at the shrine of liberty, should be treasured as the teachings of our nation's sages and prophets. They are given here in confidence that they will add to the instruction of many.

This waif is cast upon the waters in hopes that it may carry the Constitution of the United States to many firesides where it has not gone before; and it is committed to the common sense and hardy purity of the people—not to the metaphysical subtlety of the political philosopher, much less to the selfish cunning of the politician. To the people we look for the realization of the nation's hopes, for all depends on their intelligence. No more rhetorical flourish is required to claim that the Constitution is the palladium of our rights, for by its light we have walked, as Israel of old, by the pillar and the cloud. It is the surest SAFEGUARD of American liberty.

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NOTE.

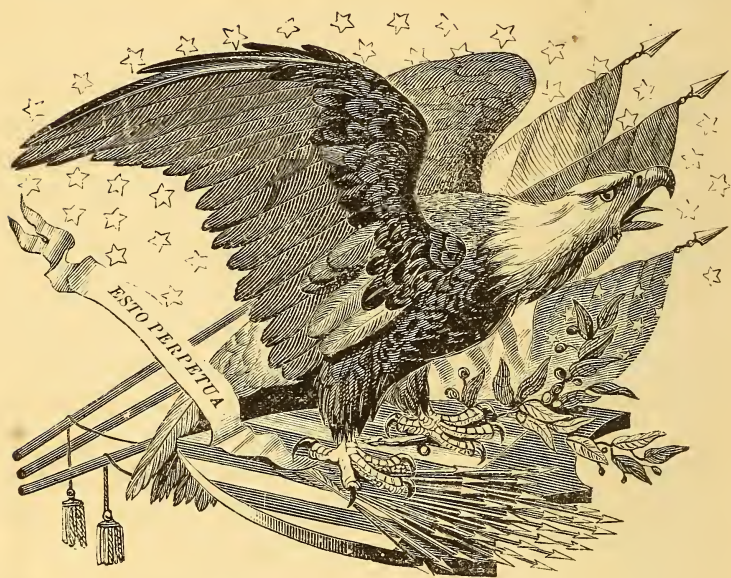
This work was commenced under difficulties, and has been prosecuted at a disadvantage; so that, in the hurry of the work, a number of typographical and grammatical errors have passed unnoticed.

Instead of inflicting on the reader an "errata" to which he would never refer, we simply ask his indulgence for this, the first edition, and that he save his criticism for the second, which will soon follow.

The public have shown an appreciation of such a work on the Constitution, by kindly subscribing for several thousand more copies than we have published.

The original matter in this work (*i. e.*, the Treatise on the History and Government of the United States, and the Treatise upon Political Economy,) was written with a constant call for "copy" sounding in the writer's ears; and he reads the proof-sheets to discover many crudities and some inaccuracies of language, for which he offers no apology but the circumstances narrated.

The Constitution.



1789---1776.

MOSAICS OF PATRIOTISM.

Instead of the usual lengthy, and, we might add, prosy introductory remarks eulogistic of the Constitution, we submit the following brilliant and patriotic sentences, from the lips of the great and good of our history. They deserve a place in the memory and will surely find a place in the hearts of every friend of constitutional liberty.

“Under the present Constitution, wisely and conscientiously administered, all are safe, happy and renowned. The measure of our country’s fame may fill our hearts. It is fame enough for us all to partake in her glory, if we will carry her character onward to its true destiny. Not only the cause of American liberty, but the cause of liberty throughout the whole earth, depends in a great measure on upholding the Constitution and union of these States. Let it truly be engraven on our hearts; let it be borne on the flag under which we rally in every exigency, that we have *one country, one Constitution, one destiny.*”—WEBSTER.

“THE CONSTITUTION OF THE UNITED STATES.—Like one of those wondrous rocking stones, reared by the Druids, which the finger of a child might vibrate to its center, yet

the might of an army could not move from its place, our Constitution is so nicely poised and balanced that it seems to sway with every breath of opinion, yet so firmly rooted in the hearts and affections of the people, that the wildest storms of treason and fanaticism break over it in vain."—R. C. WINTHROP.

"In a sober sense, in a sense of deep conviction, I say that the emergence of this country from British dominion, and its union under its present form of government beneath the general Constitution of our country, if not a miracle, is, I do not say the most, but one of the most fortunate, the most admirable, the most auspicious occurrences which have ever fallen to the lot of man."—WEBSTER.

"It is the union of these States, it is the system of government under which we live, beneath the Constitution of the United States, happily framed, wisely adopted, successfully administered for fifty years—it is mainly this, I say, that gives us power at home and credit abroad."—WEBSTER.

"The Constitution, sir, regards itself as perpetual and immortal. It seeks to establish a union among the people of the States, which shall last through all time. Or, if the common fate of things human must be expected at some period to happen to it, yet that catastrophe is not anticipated. The instrument contains ample provisions for its amendment, at all times; none for its abandonment, at any time. It declares that new States may come into the Union, but it does not declare that old States may go out. The Union is not a temporary partnership of States. It is the association of the people, under a Constitution of government, uniting their power, joining together their highest interest, cementing their present enjoyments, and

blending, in one indivisible mass, all their hopes for the future.”—WEBSTER.

“The Constitution of the United States is a written instrument; a recorded fundamental law; it is the *bond*, and the only *bond* of the union of these States; it is all that gives us a *national* character.”—WEBSTER.

“The Constitution in its words is plain and intelligible, and it is meant for the home-bred, unsophisticated understandings of our fellow-citizens.”—DALLAS.

“If, upon a closer survey of all the powers given by the Constitution, and all the guards upon their exercise, we shall perceive still stronger inducements to fortify this conclusion, and to increase our confidence in the Constitution, may we not justly hope that every honest American will concur in the dying expression of Father Paul, ‘may it be perpetual.’”—STORY.

“Happy America, if those to whom thou hast intrusted the guardianship of thy infancy know how to provide for thy future repose, but miserable and undone if their negligence or ignorance permits the spirit of discord to erect her banner on the ruins of thy tranquility.”—HAMILTON.

“This glorious liberty, these benign institutions. the dear purchase of our fathers, are ours—ours to enjoy, ours to preserve, ours to transmit. Generations past and generations to come hold us responsible for the sacred trust.”—WEBSTER.

“There are four things which I humbly conceive are essential to the well-being—I may even venture to say, to the existence of the United State as an independent power:

“1. An indissoluble union of the States under one federal head.

“2. A sacred regard to public justice.

"3. The adoption of a proper peace establishment.

"4. Prevalence of a pacific and friendly disposition among the people of the United States, making them forget their local prejudices and policies, &c."—WASHINGTON.

"If we are true to our country and generation, and those who come after us shall be true to it also, assuredly we shall elevate her to a pitch of prosperity and happiness, of honor and power, never yet reached by any nation beneath the sun."—WEBSTER.

"Let the history of the Grecian and Italian republics warn us of our danger. The national Constitution is our last and our only security. United we stand, divided we fall."—STORY.

"Let the American youth never forget that they possess a noble inheritance, bought by the toils, and sufferings, and blood of their ancestors; and capable, if wisely improved and faithfully guarded, of transmitting to their latest posterity, all the substantial blessings of life, the peaceful enjoyment of liberty, property, religion and independence. The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful as well as useful; its arrangements are full of wisdom and order; and its defences are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour by the folly, or corruption, or negligence of its only keepers—the *people*. Republics are created by the virtue, public spirit, and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people in order to betray them."—STORY.

"The only question concerning a candidate shall be, Is

he honest? is he capable? is he faithful to the Constitution.”—JEFFERSON.

“The Constitution of the United States was made not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity.”—HENRY CLAY.

“But that I love the Constitution of the country; that I have a passion for it, the only political passion that ever entered into my heart; that I cherish it day and night; that I live on its healthful, saving influences, and that I trust never, never, never, to cease to heed it till I go to the grave of my fathers, is as true (turning to Mr. Spencer,) as that you sit here. I do not suppose I am born to any considerable destiny, but my destiny, whatever it may be, attaches me to the Constitution of the country. I desire not to outlive it. I desire to render it some service. And on the modest stone that shall mark my grave, whether within my native New Hampshire or my adopted Massachusetts, I wish no other epitaph than this: ‘While he lived, he did what he could to support the Constitution of his country.—WEBSTER.’ ”

“The Constitution of the United States! What is there on the whole earth; what is there that so fills the imaginations of men under heaven; what is there that the civilized, liberalized, liberty-loving people of the world can look at, and do look at, so much as the great and glorious instrument held up to their contemplation, blazing over this Western Hemisphere, and darting its rays throughout the world?—the Constitution of the United States of America.”—WEBSTER.

“Gentlemen, numerous and various as are the elements of our national life, they are harmonized into one great whole—the Constitution and the Union. With my dying

breath, if I have my senses, my last prayer shall be :
‘Heaven save my country and the Constitution.’”—WEBSTER.

“Since the adoption of our Constitution, and the Union which it created, by the blessings of Providence we have advanced in population, power, wealth, internal improvements, and national greatness, with a degree of rapidity which, unparalleled in ancient or modern nations, has excited the astonishment and commanded the admiration of mankind.”—HENRY CLAY.

“I hold the Constitution of the United States to be the bulwark of our liberties and of our national character.”
—WEBSTER.

“The Constitution of the United States, to keep us united, to keep a fraternal feeling flowing in our hearts, must be administered in the spirit in which it was framed.”
—WEBSTER.

“Hearken not to the unnatural voice, which tells you that the people of America, knit together as they are, by so many cords of affection, can no longer live together, as members of the same family; can no longer continue the mutual guardians of their mutual happiness; can no longer be fellow citizens of one great, respectable and flourishing empire. Hearken not to the voice which perpetually tells you that the form of government recommended for your adoption, is a novelty in the political world; that it has never yet had a place in the theories of the wildest projectors; that it rashly attempts what it is impossible to accomplish. No, my countrymen; shut your ears against this unhallowed language. Shut your hearts against the poison which it conveys. The kindred blood which flows in the veins of American citizens, the mingled blood which they have shed in defence of their sacred rights, consecrates their union, and excites horror

at the idea of their becoming aliens, rivals, enemies. And if novelties are to be shunned, believe me, the most alarming of all novelties, the most wild of all projects, the most rash of all attempts is that of rending us in pieces, in order to preserve our liberties and promote our happiness. Cherish liberty as you love it—cherish its securities as you wish to preserve it. Maintain the Constitution which we labored so faithfully to establish, and which has been to you such a source of inestimable blessings. Preserve the union of the States, cemented as it was by our prayers, our tears and our blood. Be true to God, your country and your duty. So shall the whole Eastern world follow the morning sun, to contemplate you as a nation; so shall all succeeding generations honor you as they honor us; and so shall that Almighty Power which so graciously protected us, and which now protects you, shower its everlasting blessings upon you and your posterity.”—DANIEL WEBSTER.

“A violation of the Constitution by an officer of our Government, is of itself no serious cause of alarm, for crime is of common occurrence, but when the public conscience feels no pangs at public wrongs, but sanctions violations, usurpations and tyranny, then do men who have learned the philosophy of government from history, tremble for the salvation of the republic.”—JOHNSON.

“In the United States, it is the duty of every man to take a part in the political movements of the day, and the Constitution, therefore, ought to be in the hands of the masses.”—JOHN B. GIBSON.

“It is a lamentable fact, that the Constitution of the United States—that most honored work of the patriots and sages of the Revolution—has not yet had a general circulation. I hope it may be introduced into our schools,

academies, and all our seminaries of learning, and studied to be understood.”—SIDNEY BREESE.

We are trying the great experiment of success of popular government. Whether these seventeen millions of people will exercise so much intelligence, integrity, virtue and patriotism, as shall secure to this great country, forever, the blessings of a free, enlightened liberty, and populous government. In the first place, we have laid at its base a Constitution—I had almost said, and may say, a miraculous Constitution, when we take into view all the circumstances connected with its origin and maturity—its scope and design, its construction and effects, which secure the full enjoyment of all human rights alike to every one. We are bound by a solemn duty to see that, among the candidates for the high offices in the gift of a free people, we give our votes to such as venerate that Constitution, and to none other.”—WEBSTER.

“I would not regard the Constitution of the United States, nor any other work of man, with idolatrous admiration; but, this side of idolatry, I hold it in profound respect. I believe that no human working on such a subject, no human ability existed for such an end, has ever produced so much happiness or holds out now to so many millions of people the prospect, through such a succession of ages and ages, of so much happiness, as the Constitution of the United States.”—WEBSTER.

“It may have happened, I think it has happened, on more than one occasion, that the spirit of this instrument has departed; that serious violations of that spirit have taken place. What of that? Are we to abandon it on that account? Are we to abandon it? Why, I should as soon think of abandoning my own father when ruffians attacked him! No, we are to rally around it with

all our power and all our force, determined to stand by it, or fall with it."—WEBSTER.

"The Constitution is an object to which no American mind can be too attentive, and no American heart too devoted. On parts, provisional, or phrases, it is still and always will be possible for ingenuity to raise constructive doubts; but, on the whole, as the organic chart of a limited confederated government, a practical trial of nearly sixty years would seem to place its wisdom and efficiency beyond dispute or rivalry. And although it is not unusual to hear it said, at moments of heat and disappointment, that, in the enactment or administration of our federal laws, the obligations of the Constitution are disregarded, an observation and experience of more than thirty years convince me of the reverse; and I am satisfied that its hold upon the conscience and the opinion of the country at large is constantly strengthening. This is, indeed, the natural result of its perfect fitness to produce the purposes for which it was designed—union, justice, tranquility, defence, welfare, and liberty—and proves how well its practical operations harmonize with the business, sentiments, relations, and progress of the American people. Restless and innovating, as we are in most things, we have not invaded, and I do not think we shall invade for centuries to come, the sacred stability of the Constitution. Such a fundamental and paramount law, in the picture of its origin and in the purity of its text should be placed within the reach of every freeman. It should be found wherever there is capacity to read; not alone in the legislative halls, judicial councils, libraries and colleges, but also in the cabins and steerages of our marines, at every common school, log hut, factory or fireside. It should form the rudimental basis of American thought, by being made a perpetually recurring object of memory."—G. M. DALLAS.

“Never did there devolve, on any generation of men, higher trusts than now devolve upon us for the preservation of this Constitution, and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and the brightest link in that golden chain which is destined, I fully believe, to grapple the people of all the States to this Constitution, for ages to come. It is a great, popular, constitutional government, guarded by legislation, by law, by judicature, and defended by the whole affections of the people. No monarchial throne presses these States together; no iron chain of despotic power encircles them; they live and stand upon a government, popular in its form, representative in its character, founded upon principles of equality, and calculated, we hope, to last forever.”—DANIEL WEBSTER.

DECLARATION OF INDEPENDENCE.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED
STATES OF AMERICA IN CONGRESS ASSEMBLED.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of those ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience

hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former system of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:—

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative

powers, incapable of annihilation, have returned to the people at large for their exercise—the state remaining, in the mean time, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states—for that purpose obstructing the laws of naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harrass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws—giving his assent to their acts of pretended legislation.

For quartering large bodies of troops among us :

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring, on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts, by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind: enemies in war; in peace, friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain, is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of congress, engrossed, and signed by the following members:—

JOHN HANCOCK.

New Hampshire.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

Massachusetts Bay.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

Delaware.

CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN,

Maryland.

Rhode Island, &c.

STEPHEN HOPKINS,
WILLIAM ELLERY.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROL, of Carrollton.

Connecticut.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

Virginia.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, Jun.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

New York.

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

North Carolina.

WILLIAM HOOPER.
JOSEPH HEWES,
JOHN PENN.

New Jersey.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

South Carolina.

EDWARD RUTLEDGE,
THOMAS HAYWARD, Jun.,
THOMAS LYNCH, Jun.,
ARTHUR MIDDLETON.

Pennsylvania.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,

Georgia.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America :

ARTICLE. I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the

Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Registration, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honour, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

The Congress shall assemble at least once in every

Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall

have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according

to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power

To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to the Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasion ;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress ;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings ;—
And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof.

SECTION. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another : nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law ; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States : And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. No State shall enter into any Treaty, Alliance, or Confederation ; grant Letters of Marque and Reprisal ; coin Money ; emit Bills of Credit ; make any Thing but gold and silver Coin a Tender in Payment of Debts ; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws : and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States ; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

ARTICLE. II.

SECTION. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor

diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation :—

“ I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.

SECTION. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend

to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers, and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

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In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under

the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in the three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be, as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. IN WITNESS whereof We have hereunto subscribed our names,

GEO. WASHINGTON—

Presidt and deputy from Virginia.

NEW HAMPSHIRE.

JOHN LANGDON,

NICHOLAS GILMAN.

MASSACHUSETTS.

NATHANIEL GORHAM,

RUFUS KING.

CONNECTICUT.

WM. SAM'L. JOHNSON,

ROGER SHERMAN.

NEW YORK.

ALEXANDER HAMILTON.

NEW JERSEY.

WILL: LIVINGSTON,

DAVID BREARLEY,

WM. PATERSON,

JONA. DAYTON.

PENNSYLVANIA.

B. FRANKLIN,

THOMAS MIFFLIN,

ROBT. MORRIS.

GEO: CLYMER,

THO: FITZSIMONS.

JARED INGERSOLL,

JAMES WILSON,

GOUV: MORRIS.

DELAWARE.

GEO: READ,

GUNNING BEDFORD, Jun'r,

JOHN DICKINSON,

RICHARD BASSETT.

JACO: BROOM.

MARYLAND.

JAMES M'HENRY,

DAN: of ST. THOS. JENIFER,

DANL. CARROLL.

VIRGINIA.

JOHN BLAIR,

JAMES MADISON, Jr.

NORTH CAROLINA.

WM. BLOUNT,

RICH'D DOBBS SPAIGHT,

HU. WILLIAMSON.

SOUTH CAROLINA.

J. RUTLEDGE,

CHARLES COTESWORTH PINCKNEY,

CHARLES PINCKNEY.

PIERCE BUTLER.

GEORGIA.

WILLIAM FEW,

ABR. BALDWIN.

Attest :

WILLIAM JACKSON, *Secretary.*

ARTICLES
IN ADDITION TO, AND AMENDMENT OF,
THE CONSTITUTION
OF THE
UNITED STATES OF AMERICA.

*Proposed by Congress, and ratified by the Legislatures of
the several States, pursuant to the fifth article of the orig-
inal Constitution.*

(ARTICLE 1.)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(ARTICLE 2.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

(ARTICLE III.)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

(ARTICLE IV.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(ARTICLE V.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

(ARTICLE VI.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining witnesses in his favour, and to have the Assistance of Counsel for his defence.

(ARTICLE VII.)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

(ARTICLE VIII.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(ARTICLE IX.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

(ARTICLE X.)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

ARTICLE XII.

The Electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number

be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ANALYTICAL INDEX

TO THE CONSTITUTION.

ABSENCE.—In the absence of the Vice President the Senate shall choose a President pro tem.—Article 1, section 3, cl. 5.

ABSENT MEMBERS.—A smaller number than a majority of either House of Congress may compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.—Art. 1, sec. 5, cl. 1.

ACCEPT.—No person holding any office of profit or trust under the United States, shall, without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign states.—Art. 1, sec. 9, cl. 8.

ACCOUNT.—A regular statement and account of the receipts and expenditures of all public money shall be published from time to time.—Art. 1, sec. 9, cl. 7.

ACCUSATION.—In all criminal prosecutions, the accused to be informed of the nature and cause of the accusation.—Sixth amendment.

ACTS, records, and judicial proceedings.—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which

such acts, records, and judicial proceedings shall be proved, and the effect thereof.—Art. 4, sec. 1, cl. 1.

Act as President.—In case of the removal, death, resignation, or inability, of both the President and Vice President, the Congress shall, by law, declare what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.—Art. 2, sec. 1, cl. 5.

ADJOURN from day to day.—A smaller number than a majority of each House of Congress may adjourn from day to day—Art. 1, sec. 5, cl. 1.

ADJOURN.—Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses may be sitting.—Art. 1, sec. 5, cl. 4.

ADJOURNMENT.—If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless Congress by their adjournment prevent its return, in which case it shall not be a law.—Art. 1, sec. 7, cl. 2.

ADJOURNMENT.—Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States. (For proceedings, see resolution.)—Art. 1, sec. 7, cl. 3.

ADJOURNMENT.—In case of disagreement between the two Houses of Congress with respect to the time of adjournment, the President may adjourn them to such time as he shall think proper.—Art. 2, sec. 3, cl. 1.

ADMIRALTY and maritime jurisdiction.—The judicial power shall extend to all cases of admiralty and maritime jurisdiction—Art. 3, sec. 2, cl. 1.

ADMITTED.—New States may be admitted by the Congress into this Union.—Art. 4, sec. 3, cl. 1.

ADOPTION of this Constitution.—All debts contracted or engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.—Art. 6, sec. 1, cl. 1.

ADVICE and consent of the Senate.—(See Senate.)

AFFIRMATION—(See oath or affirmation.)

AGE of qualification for a Representative in Congress, 25 years.—Art. 1, sec. 2, cl. 2.

AGE of qualification for a Senator in Congress, 30 years—Art. 1, sec. 3, cl. 3.

AGE of qualification for President of the United States, 35 years—Art. 2, sec. 1, cl. 4.

AGE of qualification for Vice President of the United States, 35 years—Twelfth amendment.

AGREEMENT or compact.—No State shall, without the consent of Congress, enter into any agreement or compact with another State or foreign power.—Art. 1, sec. 10, cl. 3.

ALLIANCE—No State shall enter into any alliance.—Art. 1, sec. 10, cl. 1.

ALIENS, or persons of foreign birth, not eligible as President or Vice President of the United States—Art. 2, sec. 1, cl. 4.—Twelfth amendment.

AMBASSADORS.—The President shall nominate, and by and with the advice and consent of the Senate, appoint ambassadors, &c.—Art. 2, sec. 2, cl. 2.

AMBASSADORS—The President shall receive ambassadors and other public ministers.—Art. 2, sec. 3, cl. 1.

AMBASSADORS.—The judicial power shall extend to all cases affecting ambassadors, other public ministers, and consuls.—Art. 3, sec. 2, cl. 1.

AMBASSADORS.—In all cases affecting ambassadors, other public ministers, and consuls, the Supreme Court shall have original jurisdiction.—Art. 3, sec. 2, cl. 2.

AMENDMENTS, as on other bills.—All bills for raising revenue shall originate in the House of Representatives; but the

Senate may propose, or concur with, amendments as on other bills.—Art. 1, sec. 7, cl. 1.

AMENDMENTS to the Constitution.—The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment, which may be made prior to the year 1808, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.—Art. 5, sec. 1, cl. 1.

APPELLATE jurisdiction.—(See Supreme Court.)—Art. 3, sec. 2, cl. 2.

APPOINTED.—No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments of which shall have been increased during such time.—Art. 1, sec. 6, cl. 2.

APPOINTED.—No Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.—Art. 2, sec. 1, cl. 2.

APPOINTMENTS.—The Executives of States may make temporary appointments of Senators in the recess of the legislatures thereof to fill vacancies.—Art. 1, sec. 3, cl. 2.

APPOINTMENT of officers of the militia reserved to the States respectively.—Art. 1, sec. 8, cl. 16.

APPOINTMENT of Electors of President and Vice President of the United States—(See Electors.)—Art. 2, sec. 1, cl. 2.—Twelfth amendment.

APPOINTMENTS.—The President shall nominate, and by and

with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.—Art. 2, sec. 2, cl. 2.

APPOINTMENTS.—The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, (or appointments,) which shall expire at the end of their next session.—Art. 2, sec. 2, cl. 3.

APPORTIONED.—Representatives and direct taxes to be apportioned among the several States according to their respective numbers, &c.—Art. 1, sec. 2, cl. 3.

APPROPRIATION of money to the use of armies shall not be for a longer period than two years.—Art. 1, sec. 8, cl. 12.

APPROPRIATIONS.—No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.—Art. 1, sec. 9, cl. 7.

APPROVED.—Every bill, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States to be approved or disapproved by him.—Art. 1, sec. 7, cl. 2-3.

APPROVED.—Any bill returned by the President with objection, may become a law if approved by two-thirds of both Houses of Congress.—Art. 1, sec. 7, cl. 2.

ARMIES.—Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.—Art. 1, sec. 8, cl. 12.

ARMING.—Congress shall have power to provide for organ-

izing, arming, and disciplining the militia.—Art. 1, sec. 8, cl. 16.

ARMS.—The right of the people to keep and bear arms shall not be infringed.—2d amend.

ARMY.—Congress shall have power to make rules for the government and regulation of the land and naval forces.—Art. 1, sec. 8, cl. 14.

ARMY.—The President shall be Commander-in-Chief of the army.—Art. 2, sec. 2, cl. 1.

ARMY.—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.—3d amend.

ARMY or Navy.—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger.—5th amend.

ARREST.—Senators and Representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same.—Art. 1, sec. 6, cl. 1.

ARSENALS, &c.—Congress shall have power to exercise exclusive legislation over arsenals, &c.—Art. 1, sec. 8, cl. 17.

ARTS.—Congress shall have power to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.—Art. 1, sec. 8, cl. 8.

ASSEMBLY.—Congress shall assemble at least once in every year, on the first Monday in December, unless they shall by law appoint a different day.—Art. 1, sec. 4, cl. 2.

ASSEMBLY.—Congress shall make no law abridging the right of the people peaceably to assemble and to petition the Government for a redress of grievances.—1st amend.

ATTAINDER.—No bill of attainder or ex post facto law shall be passed.—Art. 1, sec. 9, cl. 3.

ATTAINDER.—No State shall pass any bill of attainder.—Art. 1, sec. 10, cl. 1.

ATTAINDER of treason.—The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.—Art. 3, sec. 3, cl. 2.

ATTENDANCE.—Less than a quorum of either House may compel the attendance of absent members.—Art. 1, sec. 5, cl. 1.

ATTENDANCE.—Members of Congress privileged from arrest during their attendance at sessions, &c. (See Arrest.)—Art. 1, sec. 6, cl. 1.

AUTHENTICATION of records, acts, and judicial proceedings of States.—Art. 4, sec. 1, cl. 1.

AUTHORS may secure exclusive rights to their writings for a limited time.—Art. 1, sec. 8, cl. 8.

BAIL.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—8th amend.

BALLOT.—The electors shall vote by ballot for President and Vice President of the United States. They shall name in their ballots the person voted for as President, and, in distinct ballots, the person voted for as Vice President.—12th amend.

BALLOT.—If no person have a majority of the electoral votes, the House of Representatives shall choose, immediately, by ballot, the President.—12th amend.

BANKRUPTCIES.—Congress shall have power to establish uniform laws on the subject of bankruptcies throughout the United States.—Art. 1, sec. 8, cl. 4.

BILL of attainder.—No bill of attainder or ex post facto law shall be passed.—Art. 1, sec. 9, cl. 3.

BILLS.—All bills for raising revenue shall originate in the

House of Representatives, but the Senate may propose or concur with amendments, as on other bills.—Art. 1. sec. 7, cl. 1.

BILL.—Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively.—Art. 1, sec. 7, cl. 2.

BILL.—If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.—Art. 1, sec. 7, cl. 2.

BILL.—Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.—Art. 1, sec. 7, cl. 3.

BILLS of credit.—No State shall emit bills of credit.—Art. 1, sec. 10, cl. 1.

BLOOD.—No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.—Art. 2, sec. 3, cl. 2.

BORROW money. Congress shall have power to borrow money on the credit of the United States.—Art. 1, sec. 8, cl. 2.

BOUND.—Persons bound to service for a term of years, included in representative numbers.—Art. 1, sec. 2, cl. 3.

BREACH of the peace.—For a breach of the peace, a Senator or Representative may be arrested.—Art. 1, sec. 6, cl. 1.

BRIBERY.—All civil officers shall be removed from office on impeachment for, and conviction of, bribery, &c.—Art. 2, sec. 4, cl. 1.

BUILDINGS.—Congress shall have power to exercise exclusive legislation over needful buildings in places purchased by the consent of the Legislatures of the States.—Art. 1, sec. 8, cl. 17.

BUSINESS.—A majority of each House shall constitute a quorum to do business.—Art. 1, sec. 5, cl. 1.

CAPITAL crime.—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.—5th amend.

CAPITATION tax. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.—Art. 1, sec. 9, cl. 4.

CAPITATION tax.—No amendment shall be made prior to 1808 to affect the preceding clause.—Art. 5.

CAPTURES.—Congress shall have power to declare war, to grant letters of marque and reprisal, and make rules concerning captures on land and water.—Art. 1, sec. 8, cl. 11.

CARE.—The President shall take care that the laws be faithfully executed.—Art. 2, sec. 3, cl. 1.

CASES to which the judicial power shall extend. (See Judicial Power.)—Art. 3, sec. 2, cl. 1.

CAUSE.—No warrant shall issue but upon probable cause.—4th amend.

CENSUS to be taken within three years after the first meeting of Congress, and every ten years thereafter, in such manner as they shall by law direct.—Art. 1, sec. 2, cl. 3.

CENSUS.—No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.—Art. 1, sec. 9, cl. 4.

CENSUS.—No amendment shall be made prior to 1808 to affect the preceding clause.—Art. 5.

CESSION.—On the cession by particular States of a district, (not exceeding ten miles square,) and the acceptance of Congress, it may become the seat of Government of the United States.—Art. 1, sec. 8, cl. 17.

CHARGE of treason. A person charged in any State with treason, &c., who may fly from justice, to be delivered up and removed to the State having jurisdiction of the crime.—Art. 4, sec. 2, cl. 2.

CHIEF JUSTICE shall preside when the President of the United States is tried on an impeachment by the Senate.—Art. 1, sec. 3, cl. 6.

CHOSEN. (See Elected, &c.)

CHUSE. (See Elect.)

CITIZEN of United States. No person shall be a Representative in Congress who has not been seven years a *citizen of the United States*. Art. 1, sec. 2, cl. 2.

CITIZEN of the United States. No person shall be a Senator in Congress who has not been nine years a citizen of the United States. Art. 1, sec. 3, cl. 3.

CITIZEN. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President. Art. 2, sec. 1, cl. 5.

CITIZENS. The judicial power shall extend to controversies between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects. Art. 3, sec. 2, cl. 1.

CITIZENS. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. Art. 4, sec. 2, cl. 1.

CITIZENS. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. 11th amend.

CIVIL office. (See Office.)

CIVIL officers. All civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. Art. 2, sec. 4, cl. 1.

CLAIM. Fugitive slaves shall be delivered up on claim of the party to whom they belong, &c. Art. 4, sec. 2, cl. 3.

CLAIMS. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State. Art. 4, sec. 3, cl. 2.

CLASSES. The Senators shall be divided as equally as may be into three classes. (See Senators.) Art. 1, sec. 3, cl. 2.

CLEAR. Vessels bound to or from one State shall not be obliged to enter, clear, or pay duties in another. Art. 1, sec. 9, cl. 6.

COIN money. Congress shall have power to coin money, regulate the value thereof, and of foreign coin. Art. 1, sec. 8, cl. 5.

COIN. No State shall make any thing but gold and silver coin a tender in payment of debts. Art. 1, sec. 10, cl. 1.

COIN. (See Counterfeiting.)

COIN money. No State shall coin money. Art. 1, sec. 10, cl. 1.

COLLECT duties.—Congress shall have power to lay and collect duties, taxes, imposts, and excises—Art. 1, sec. 8, cl. 1.

COMMANDER-IN-CHIEF.—The President shall be Commander-in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into actual service of the United States.—Art. 2, sec. 2, cl. 1.

COMMERCE.—Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.—Art. 1, sec. 8, cl. 3.

COMMERCE.—No preference shall be given by any regulations of commerce or revenue to the ports of one State over those of another; nor shall vessels, bound to or from one State, be obliged to enter, clear, or pay duties in another.—Art. 1, sec. 9, cl. 6.

COMMISSIONS.—The president shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.—Art. 2, sec. 2, cl. 3.

COMMISSIONS.—The President shall commission all the officers of the United States.—Art. 2, sec. 3, cl. 1.

COMMON defence, &c.—The Constitution established to provide for the common defence, &c.—Preamble.

COMMON defence.—Congress shall have power to provide for the common defence.—Art. 1, sec. 8, cl. 1.

COMMON law.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved: and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.—7th amend.

COMPACT.—No State shall, without the consent of Congress,

enter into any agreement or compact with another State or a foreign power.—Art. 1, sec. 10, cl. 3.

COMPEL the attendance of absent members.—A smaller number than a quorum of each House may compel the attendance of absent members, in such manner and under such penalties as each House may provide.—Art. 1, sec. 5, cl. 1.

COMPENSATION.—The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States.—Art. 1, sec. 6, cl. 1.

COMPENSATION of the President of the United States.—The President shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.—Art. 2, sec. 1, cl. 7.

COMPENSATION.—The judges both of the Supreme and Inferior courts shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.—Art. 3, sec. 1, cl. 1.

COMPENSATION.—Nor shall private property be taken for public use without just compensation.—5th amend.

COMPULSORY process.—In all criminal prosecutions the accused to have compulsory process for obtaining witnesses in his favor.—6th amend.

CONCUR.—The Senate may propose and concur in amendments to revenue bills, &c.—Art. 1, sec. 7, cl. 1.

CONCURRENCE.—No person shall be convicted on an impeachment without the concurrence of two-thirds of the Senators present.—Art. 1, sec. 3, cl. 6.

CONCURRENCE.—Every order, resolution, or vote, to which the concurrence of the two Houses may be necessary, shall be presented to the President, except, &c.—Art. 1, sec. 7, cl. 3.

CONFEDERATION.—No State shall enter into any confederation.—Art. 1, sec. 10, cl. 1.

CONFEDERATION.—All debts contracted or engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.—Art. 6, sec. 1, cl. 1.

CONFESSION in open court.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.—Art. 3, sec. 3, cl. 1.

CONFRONTED.—In all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him.—6th amend.

CONGRESS United States.—All legislative powers herein granted shall be vested in Congress.—Art. 1, sec. 1.

CONGRESS United States shall consist of a Senate and House of Representatives.—Art. 1, sec. 1.

CONGRESS, members of.—(See Senators.) (See Representatives.)

CONGRESS shall by law direct the manner in which the census or enumeration of the people shall be made.—Art. 1, sec. 2, cl. 3.

CONGRESS.—The first Congress to consist of 65 members from the several States, as mentioned herein. (See Representatives.)—Art. 1, sec. 2, cl. 3.

CONGRESS.—The time, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.—Art. 1, sec. 4, cl. 1.

CONGRESS shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.—Art. 1, sec. 4, cl. 2.

CONGRESS of the United States:—

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.—Art. 1, sec. 5, cl. 1.

Each House may determine the rules of its proceeding, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.—Art. 1, sec. 5, cl. 2.

Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the Journal.—Art. 1, sec. 5, cl. 3.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.—Art. 1, sec. 5, cl. 4.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose, or concur with, amendments, as on other bills.—Art. 1, sec. 7, cl. 1.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.—Art. 1, sec. 7, cl. 2.

If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the

objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.—Art. 1, sec. 7, cl. 2.

But, in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the Journal of each House respectively.—Art. 1, sec. 7, cl. 2.

If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.—Art. 1, sec. 7, cl. 2.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.—Art. 1, sec. 7, cl. 3.

CONGRESS.—No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war, in time of peace—enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.—Art. 1, sec. 10, cl. 3.

CONGRESS.—Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.—Art. 2, sec. 1, cl. 2.

CONGRESS.—The Congress may determine the time of choosing the electors, and the day on which they shall give their

votes; which day shall be the same throughout the United States.—Art. 2, sec. 1, cl. 3.

CONGRESS.—The Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.—Art. 2, sec. 1, cl. 5.

CONGRESS.—The Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.—Art. 2, sec. 2, cl. 2.

CONGRESS.—The President shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper.—Art. 2, sec. 3, cl. 1.

CONGRESS.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.—Art. 3, sec. 1, cl. 1.

CONGRESS.—In certain cases the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.—Art. 3, sec. 2, cl. 2.

CONGRESS.—When crimes are not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.—Art. 3, sec. 2, cl. 3.

CONGRESS shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.—Art. 3, sec. 3, cl. 2.

CONGRESS.—Full faith and credit shall be given in each State, to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.—Art. 4, sec. 1, cl. 1.

CONGRESS.—New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.—Art. 4, sec. 3, cl. 1.

CONGRESS.—The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.—Art. 4, sec. 3, cl. 2.

CONGRESS.—The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year 1808, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.—Art. 5.

CONGRESS.—The Senators and Representatives in Congress shall be bound by an oath or affirmation, to support this Constitution.—Art. 6, cl. 3.

CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.—1st amend.

CONSENT of Congress.—No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.—Art. 1, sec. 10, cl. 2.

CONSTITUTION ordained and established in order to form a more perfect Union; establish justice; ensure domestic tranquility; provide for the common defence; promote the general welfare, and to secure the blessings of liberty.—Preamble.

CONSTITUTION of the United States.—The President shall, before he enter on the execution of his office, take an oath that he will to the best of his ability, “preserve, protect, and defend the Constitution of the United States.”—Art. 2, sec. 1, cl. 7.

CONSTITUTION.—The Judicial power shall extend to all cases, in law and equity, arising under the Constitution.—Art. 3, sec. 2, cl. 1.

CONSTITUTION.—All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.—Art. 6, cl. 1.

CONSTITUTION.—This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.—Art. 6, cl. 2.

CONSTITUTION.—The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United

States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office of public trust under the United States.—Art. 6, cl. 3.

CONTROVERSY.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.—7th amend.

CONVENE CONGRESS.—The President may, on extraordinary occasions, convene both Houses, or either of them.—Art. 2, sec. 3, cl. 1.

CONVENED.—The United States shall, on application of the Executive of a State, when the legislature cannot be convened, protect such State from domestic violence.—Art. 4, sec. 4, cl. 1.

CONVICTED. No person shall be convicted on an impeachment, without the concurrence of two-thirds of the Senators present. Art. 1, sec. 3, cl. 6.

CONVICTED. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. Art. 3, sec. 3, cl. 1.

CORRUPTION of blood. No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted. Art. 3, sec. 3, cl. 2.

COUNSEL. In all criminal prosecutions the accused to have the assistance of counsel for his defence. 6th amend.

COUNTERFEITING. Congress shall have power to provide for the punishment of counterfeiting the securities and current coin of the United States. Art. 1, sec. 8, cl. 6.

COURT. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. Art. 3, sec. 3, cl. 1.

COURTS. Congress shall have power to constitute tribunals inferior to the Supreme Court. Art. 1, sec. 8, cl. 9.

COURTS of law. The Congress may, by law, vest the appointment of such inferior officers as they think proper in

the President alone, in the courts of law, or in the heads of departments. Art. 2, sec. 2, cl. 2.

CREDIT. No State shall emit bills of credit. Art. 1, sec. 10, cl. 1.

CRIME. A person charged with treason, felony, or other crime, and fleeing from justice, to be delivered up to the State having jurisdiction of the crime. Art. 4, sec. 2, cl. 2.

CRIME. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury. 5th amend.

CRIMES. The trial of all crimes, except in cases of impeachment, shall be by jury. Art. 3, sec. 2, cl. 3.

CRIMINAL case. Nor shall any person be compelled in any criminal case to be a witness against himself. 5th amend.

CRUEL and unusual punishment. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. 8th amend.

DEBATE. Senators and Representatives, for any speech or debate in either House, shall not be questioned in any other place. Art. 1, sec. 6, cl. 1.

DEBTS. No State shall make any thing but gold and silver coin a tender in payment of debts. Art. 1, sec. 10, cl. 1.

DELIVERED up.—Fugitives from justice to be delivered up to be removed to the State having jurisdiction of the crime.—Art. 4, sec. 2, cl. 2.

DELIVERED up.—Persons held to service or labor (or slaves) escaping into another State shall be delivered up on claim of the party to whom such service or labor may be due.—Art. 4, sec. 2, cl. 3.

DEPARTMENT of the Government.—Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.—Art. 1, sec. 8, cl. 18.

DEPRIVED.—No State without its consent shall be deprived of its equal suffrage in the Senate. Art. 5.

DIRECT TAX. Representatives and direct taxes to be apportioned among the States according to their respective numbers, &c. (See Representatives.) Art. 1, sec. 2, cl. 3.

DIRECT TAX. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken. Art. 1, sec. 9, cl. 4.

DISORDERLY behavior.—Each House may punish its members for disorderly behavior. Art. 1, sec. 5, cl. 2.

DISTRICT not exceeding ten miles square. Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States. Art. 1, sec. 8, cl. 17.

DIVIDED. The Vice President shall have no vote unless the Senate be equally divided. Art. 1, sec. 3, cl. 4.

DOCK YARDS, &c. Congress shall have power to exercise exclusive legislation over dock yards, &c. Art. 1, sec. 8, cl. 17.

DURING good behavior. The Judges, both of the Supreme and Inferior courts, shall hold their offices during good behavior. Art. 3, sec. 1, cl. 1.

EFFECTS. The right of the people to be secure in their effects against unreasonable searches and seizures shall not be violated.—4th amend.

ELECTED. Representatives in Congress shall be chosen or elected every second year by the people of the several States.—Art. 1, sec. 2, cl. 1.

ELECTED. Two Senators from each State shall be chosen or elected by the Legislatures thereof for six years.—Art. 1, sec. 3, cl. 1.

ELECT. The Senate shall elect or choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.—Art. 1, sec. 3, cl. 5.

ELECTION. When vacancies happen in the representation from a State, the Executive thereof shall issue writs of election to fill them.—Art. 1, sec. 2, cl. 4.

ELECTION of President and Vice President of the United States. The President shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:—Art. 2, sec. 1, cl. 1.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.—Art. 2, sec. 1, cl. 2.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and, in distinct ballots, the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose, immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the Representation from each

State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death, or other constitutional disability of the President.—12th amend.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. 12th amend.

But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States. 12th amend.

Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States. Art. 2, sec. 1, cl. 4.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected. Art. 2, sec. 1, cl. 5.

ELECTIONS. Each House shall be the judge of the elections,

returns, and qualifications of its own members. Art. 1, sec. 5, cl. 1.

ELIGIBILITY of a Representative in Congress. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not when elected be an inhabitant of that State in which he shall be chosen. Art. 1, sec. 2, cl. 2.

ENEMIES. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. Art. 3, sec. 3, cl. 1.

EQUAL suffrage. No State without its consent shall be deprived of its equal suffrage in the Senate. Art. 5.

EQUITY. The Judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority. Art. 3, sec. 2, cl. 1.

ESTABLISHMENT of religion. Congress shall make no law respecting an establishment of religion. 1st amend.

EXCLUSIVE rights to writings and discoveries in science and the useful arts may be secured to authors and inventors for a limited time. Art. 1, sec. 8, cl. 8.

EXECUTION of the powers of the Government. Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or any department or office thereof. Art. 1, sec. 8, cl. 18.

EYEECTIVE authority of any State shall issue writs of election to fill vacancies that may happen in the representation of such State. Art. 1, sec. 2, cl. 4.

EXPEDIENT. The President shall, from time to time, recommend to Congress such measures as he shall judge necessary and expedient. Art. 2, sec. 3, cl. 1.

EXPUL a member. Either House of Congress may, with

the concurrence of two-thirds, expel a member. Art. 1, sec. 5, cl. 2.

EX POST FACTO law. No State shall, pass any ex post facto law. Art. 1, sec. 10, cl. 1.

FAITH and credit to be given to public acts, records, and proceedings of States, &c. Art. 4, sec. 1, cl. 1.

FELONIES. Congress shall have power to define and punish piracies and felonies committed on the high seas, and offences against the law of nations. Art. 1, sec. 8, cl. 10.

FOREIGN coin. Congress shall have power to coin money, regulate the value thereof, and of foreign coin. Art. 1, sec. 8, cl. 5.

FOREIGN power. No State shall, without the consent of Congress, enter into any agreement or compact with another State, or with any foreign power. Art. 1, sec. 10, cl. 3.

FORFEITURE. No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted. Art. 3, sec. 3, cl. 2.

FORTS, &c. Congress shall have power to exercise exclusive legislation over forts, &c. Art. 1, sec. 8, cl. 17.

FREE State. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. 2d amend.

GENERAL laws. Congress may, by general laws, prescribe the manner in which the public acts, records, and judicial proceedings of States shall be proved, and the effect thereof. Art. 4, sec. 1, cl. 1.

GOOD behavior. The Judges, both of the Supreme and Inferior courts, shall hold their offices during good behavior. Art. 3, sec. 1, cl. 1.

GOVERNMENT. The United States shall guarantee to every State in the Union a Republican form of government. Art. 4, sec. 4, cl. 1.

GOVERNMENT. Congress shall make no law abridging the

right of the people peaceably to assemble and to petition the the Government for a redress of grievances. 1st amend.

GRANT. The President shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment. Art. 2, sec. 2, cl. 1.

GRANTS of States. The judicial power shall extend to cases between citizens of the same State claiming lands under grants of different States. Art. 3, sec. 2, cl. 1.

HABEAS corpus. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it. Art. 1, sec. 9, cl. 2.

HAPPEN. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, &c. Art. 2, sec. 2, cl. 3.

HONOR. Judgment in cases of Impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States. Art. 1, sec. 3, cl. 7.

HOUSE of Reps. Members from the House of Representatives chosen every second year by the people. Art. 1, sec. 2.

HOUSE of Representatives. The—

Shall be the judge of the elections, returns, and qualification of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as that House may provide. Art. 1, sec. 5, cl. 1.

May determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member. Art. 1, sec. 5, cl. 2.

Shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire

of one-fifth of those present, be entered on the Journal. Art. 1, sec. 5, cl. 3.

Shall not, during the session of Congress, without the consent of the Senate, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. Art. 1, sec. 5, cl. 4.

HOUSE of Reps. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose, or concur with, amendments, as on other bills. Art. 1, sec. 7, cl. 1.

HOUSE of Reps. and Senate. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. Art. 1, sec. 7, cl. 2.

HOUSE of Reps. and Senate. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States, and, before the same shall take effect, shall be

approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill. Art. 1, sec. 7, cl. 3.

IMPEACHMENT. The House of Representatives shall have the sole power of impeachment. Art. 1, sec. 2, cl. 5.

IMPEACHMENTS. The Senate of the United States shall have the sole power to try all impeachments. Art. 1, sec. 3, cl. 6.

IMPEACHMENT. When sitting to try an impeachment, the Senate shall be on oath or affirmation. Art. 1, sec. 3, cl. 6.

When the President is tried, the Chief Justice shall preside. Art. 1, sec. 3, cl. 6.

No person shall be convicted without the concurrence of two-thirds of the members present. Art. 1, sec. 3, cl. 6.

IMPEACHMENT. The trial of all crimes, except in cases of impeachment, shall be by jury. Art. 3, sec. 2, cl. 3.

IMPORTATION. No amendment made prior to 1808 shall affect the preceding clause. Art. 5.

IMPOSTS. Congress shall have power to lay imposts. Art. 1, sec. 8, cl. 1.

INDIANS not taxed, excluded from representative numbers. Art. 1, sec. 2, cl. 3.

INDIAN tribes. Congress shall have power to regulate commerce among the several States, and with the Indian tribes. Art. 1, sec. 8, cl. 3.

INHABITANT. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves. 12th amend.

INVADED. No State shall, without the consent of Congress, engage in war unless actually invaded, or in such imminent danger as will not admit of delay. Art. 1, sec. 10, cl. 3.

INVASION. The United States shall protect each State against invasion. Art. 4, sec. 4, cl. 1.

JUDGES of the Supreme Court. The President shall nominate, and by and with the advice and consent of the Senate, appoint the judges of the Supreme Court of the United States. Art. 2, sec. 2, cl. 2.

JUDGES of the Supreme and Inferior courts shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. Art. 3, sec. 1, cl. 1.

JUDICIAL proceedings. Full faith, credit, proof, and effect to be given in each State to the acts, records, and judicial proceedings of every other State. Art. 4, sec. 1, cl. 1.

JUDICIAL power. The judicial power of the United States shall not be construed to extend to any suit, in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State. 11th amend.

JURISDICTION. The judicial power shall extend to all cases of admiralty and maritime jurisdiction. Art. 3, sec. 2, cl. 1.

JURISDICTION. No new State shall be erected within the jurisdiction of any State. Art. 4, sec. 3, cl. 1.

JURY. The trial of crimes, except in cases of impeachment, shall be by jury. Art. 3, sec. 1, cl. 3.

JURY. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law. 6th amend.

JURY. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law. 7th amend.

JUSTICE. The Chief Justice shall preside when the President is tried on an impeachment. Art. 1, sec. 3, cl. 6.

KING, prince, or foreign State. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emoluments, office, or title, of any kind whatever, from any king, prince, or foreign State. Art. 1, sec. 9, cl. 8.

LAND ceded to or purchased by the United States. Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings. Art. 1, sec. 8, cl. 17.

LANDS. The judicial power shall extend to controversies between citizens of the same State, claiming lands under grants of different States. Art. 3, sec. 2, cl. 1.

LAW. The times, places, and manner, of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators. Art. 1, sec. 4, cl. 1.

LAW. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.—Art. 1, sec. 4, cl. 2.

LAW. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law.—Art. 1, sec. 7, cl. 2.

LAW. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect shall be approved

by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.—Art. 1, sec. 7, cl. 3.

LAW. No State shall pass any ex post facto law.—Art. 1, sec. 9, cl. 7.

LAW. No State shall pass any law impairing the obligation of contracts.—Art. 1, sec. 10, cl. 1.

LAW. In case of the removal, death, or inability, of both President and Vice President, Congress shall, by law, declare what officer shall then act as President.—Art. 2, sec. 1, cl. 5.

LAW. The President shall have power, by and with the advice and consent of the senate, to appoint officers not provided for in the Constitution, and whose offices shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.—Art. 2, sec. 2, cl. 2.

LAW. When crimes shall not have been committed within any State, the trial shall be at such place or places as the Congress may by law have directed.—Art. 3, sec. 2, cl. 3.

LAW. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.—Art. 4, sec. 2, cl. 3.

LAW. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.—1st amend.

LAWS. Congress shall have power to establish an uniform rule of naturalization, and uniform laws on the subject of

bankruptcies, throughout the United States.—Art. 1, sec. 8, cl. 4.

LAWS. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.—Art. 1, sec. 10, cl. 2.

LAWS. All such State laws shall be subject to the revision and control of the Congress.—Art. 2, sec. 10, cl. 2.

LAWS. Congress may, by general laws, prescribe the manner in which the public acts, records, and judicial proceedings of States shall be proved, and the effect thereof.—Art. 4, sec. 1, cl. 1.

LEGISLATURE of each State shall choose two Senators for six years.—Art. 1, sec. 2, cl. 1.

LEGISLATURE. If vacancies happen by resignation or otherwise in the seats of Senators, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments to fill such vacancies, until the next meeting of the Legislature, which shall then fill such vacancies.—Art. 1, sec. 3, cl. 2.

LEGISLATURE. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law make or alter such regulations, excepting as to the places of choosing such Senators.—Art. 1, sec. 4, cl. 1.

LEGISLATURES of States. Congress shall exercise exclusive legislation over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.—Art. 1, sec. 8, cl. 17.

LEGISLATURES of States may direct the manner of appointing electors of President and Vice President of the United States.—Art. 2, sec. 1, cl. 2.

LEGISLATURES of States. No new State shall be formed

within another State, nor any State be formed by the junction of two or more States, without the consent of the Legislatures of the States concerned and of Congress.—Art. 4, sec. 3, cl. 1.

LEGISLATURES. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, a part of this Constitution, when ratified by three-fourths of the several States, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by Congress.—Art. 5.

LETTERS of marque or reprisal. Congress shall have power to grant letters of marque and reprisal.—Art. 1, sec. 8, cl. 11.

LIBERTY. Nor shall any person be deprived of life, liberty, or property without due process of law.—5th amend.

LIFE. No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.—Art. 3, sec. 3, cl. 2.

LIFE, liberty, or property. Nor shall any person be deprived of life, liberty, or property without due process of law.—5th amend.

MAJORITY of each House of Congress shall constitute a quorum to do business.—Art. 1, sec. 8, cl. 17.

MAJORITY of the whole number of electors necessary to elect the President and vice President of the United States.—12th amend.

MAJORITY of all the States shall be necessary to a choice of President when the election shall devolve on the House of Representatives.—12th amend.

MEASURES. Congress shall have power to fix the standard of weights and measures.—Art. 1, sec. 8, cl. 5.

MEASURES. The President shall, from time to time, recom-

ment to the consideration of Congress such measures as he shall judge necessary and expedient.—Art. 2, sec. 3, cl. 1.

MEETING. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.—Art. 1, sec. 1, cl. 2.

MILITIA. Congress shall have power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.—Art. 1, sec. 8, cl. 16.

MILITIA. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—2d amend.

MONEY. Congress shall have power to borrow money on the credit of the United States.—Art. 1, sec. 3, cl. 2.

MONEY. Congress shall have power to coin money, regulate the value thereof, and of foreign coin.—Art. 1, sec. 8, cl. 5.

MONEY. Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.—Art. 1, sec. 8, cl. 12.

MONEY. No State shall coin money.—Art. 1, sec. 10, cl. 1.

NAMES of the members. The yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.—Art. 1, sec. 5, cl. 3.

NATURALIZATION. Congress shall have power to establish a uniform rule of naturalization.—Art. 1, sec. 8, cl. 4.

NECESSARY. The Congress, whenever both Houses shall deem it necessary, shall propose amendments to this Constitution, &c.—Art. 5, sec. 1, cl. 1.

NECESSARY. A well-regulated militia being necessary to

the security of a free State, the right of the people to keep and bear arms shall not be infringed.—2d amend.

NOBILITY. No title of nobility shall be granted by the United States.—Art. 1, sec. 9, cl. 8.

NOBILITY. No State shall grant any title of nobility.—Art. 1, sec. 10, cl. 1.

OATH or affirmation. Senators when sitting to try impeachments shall be on oath or affirmation.—Art. 1, sec. 3, cl. 6.

OATH or affirmation. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the United States.—Art. 6, cl. 3.

OATH or affirmation. No warrants shall issue but upon probable cause, supported by oath or affirmation.—4th amend.

OBLIGATIONS of contracts. No State shall pass any bill impairing the obligation of contracts.—Art. 1, sec. 10, cl. 1.

OFFENCES against the law of nations may be punished by Congress.—Art. 1, sec. 8, cl. 10.

OFFENCES. The President shall have power to grant reprieves and pardons for offences against the United States.—Art. 2, sec. 2, cl. 1.

OFFICE. No person holding any office under the United States shall be a member of either House of Congress during his continuance in office.—Art. 1, sec. 6, cl. 2.

OFFICE. No person holding an office of trust or profit under the United States shall be appointed an elector of President or Vice President of the United States.—Art. 2, sec. 1, cl. 2.

OFFICERS. All civil officers of the United States shall be removed from office on impeachment for, and conviction of,

treason, bribery, or other high crimes and misdemeanors.—Art. 2, sec. 4, cl. 1.

OFFICES. The judges, both of the Supreme and Inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.—Art. 3, sec. 1, cl. 1.

ONE-FIFTH of the members present. The yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the Journal.—Art. 1, sec. 5, cl. 3.

ORIGINATED. Every bill, resolution, order, or vote, not approved, shall be returned by the President, with his objections, to that House in which it shall have originated.—Art. 1, sec. 7, cl. 2.

OVERT act. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act.—Art. 3, sec. 3, cl. 1.

OWNER. No soldier shall, in time of peace, be quartered in any house without the consent of the owner.—3d amend.

OWNERS of slaves. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.—Art. 4, sec. 2, cl. 3.

PAPERS. The right of the people to be secure in their effects against unreasonable searches or seizures shall not be violated.—4th amend.

PARDONS. The President shall have power to grant pardons.—Art. 2, sec. 2, cl. 1.

PEACE. For a breach of the peace a Senator or Representative may be arrested.—Art. 1, sec. 6, cl. 1.

PEACE. No State shall, without the consent of Congress, keep troops or ships of war in time peace.—Art. 1, sec. 10, cl. 3.

PENALTIES. Each House may be authorized to compel the attendance of absent members, in such manner and under such pealties as each house may provide.—Art. 1, sec. 5, cl. 1.

PEOPLE represented are—all free persons, those bound for a term of years, Indians taxed, and three-fifths of all other persons.—Art. 1, sec. 2, cl. 3.

PEOPLE. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.—4th amend.

PEOPLE. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.—9th amend.

PERSON. No person shall be convicted on an impeachment without the concurrence of two-thirds of the Senators present. Art. 1, sec. 3, cl. 6.

PERSON. No attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted. Art. 3, sec. 3, cl. 2.

PERSONAL privilege. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it. Art. 1, sec. 9, cl. 2.

PERSONS constituting representative numbers to be embraced in census are, all free persons, those bound for a term of years, Indians taxed, and three-fifths of all other persons (slaves.) Art. 1, sec. 2, cl. 3.

PERSONS convicted on an impeachment shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment. Art. 1, sec. 3, cl. 7.

PERSONS. The migration or importation of persons (slaves) shall not be prohibited prior to 1808, but a tax or duty may

be imposed on such importation not exceeding ten dollars for each person.—Art. 1, sec. 9, cl. 1.

PETITION. Congress shall make no law abridging the right of the people to petition the Government for a redress of grievances.—1st amend.

PIRACIES. Congress shall have power to define and punish piracies and felonies committed on the high seas, and offences against the law of nations.—Art. 1, sec. 8, cl. 10.

PORTS. No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.—Art. 1, sec. 9, cl. 6.

POST OFFICES AND POST ROADS. Congress shall have power to establish post offices and post roads.—Art. 1, sec. 8, cl. 7.

POWERS. Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof. (See Congress.)—Art. 1, sec. 8, cl. 18.

PREJUDICE OF CLAIMS. Nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.—Art. 4, sec. 3, cl. 2.

PRESENTED. Every bill, order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, &c., shall be presented to the President.—Art. 1, sec. 7, cl. 2-3.

PRESIDENT OF THE UNITED STATES is tried by the Senate on an impeachment, the Chief Justice shall preside.—Art. 1, sec. 3, cl. 6.

PRESIDENT OF THE UNITED STATES. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Con-

gress, by their adjournment, prevent its return ; in which case it shall not be a law. (See Bill.)—Art. 1, sec. 7, cl. 2.

PRESIDENT of the United States. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.—Art. 2, sec. 1, cl. 6.

PRESIDENT of the United States. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law : but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.—Art. 3, sec. 2, cl. 3.

PRESIDENT of the United States. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.—Art. 2, sec. 2, cl. 3.

PRESIDENT of the United States. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.—Art. 2, sec. 3, cl. 1.

PRESS.—Congress shall make no law abridging the freedom of speech and of the press.—1st. amend.

PRIVATE property. Nor shall private property be taken for public use, without just compensation.—5th amend.

PROCESS. In all criminal prosecutions the accused to have compulsory process for obtaining witnesses in his favor.—6th amend.

PROFIT. Judgment, in cases of impeachment, shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.—Art. 1, sec. 3, cl. 7.

PROOF. Congress may, by general laws, prescribe the manner in which the acts, records, and judicial proceedings of States shall be proved, and the effect thereof.—Art. 4, sec. 1, cl. 1.

PROPERTY or effects. The right of the people to be secure in their effects against unreasonable searches or seizures shall not be violated. 4th amend.

PROPOSE amendments. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, &c.—Art. 5, sec. 1, cl. 1.

PUBLIC acts, records, and judicial proceedings of States, to have full faith and credit, &c.—Art. 4, sec. 1, cl. 1.

PUBLIC safety. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.—Art. 1, sec. 9, cl. 2.

PUBLIC trust. No religious test shall ever be required as a qualification to any office or public trust under the United States.—Art. 6, cl. 3.

PUBLIC use. Nor shall private property be taken for public use without just compensation.—5th amend.

PUNISH. Each House of Congress may punish its members for disorderly behavior.—Art. 1, sec. 5, cl. 2.

PUBLISHED. A regular statement and account of the receipts and expenditures of all public money shall be published from time to time.—Art. 1, sec. 9, cl. 6.

PUNISHMENT. Congress shall have power to provide for the punishment of counterfeiting the securities and current coin of the United States.—Art. 1, sec. 8, cl. 6.

PUNISHMENT. The Congress shall have power to declare the punishment of treason.—Art. 3, sec. 3, cl. 2.

QUALIFICATION of a Representative in Congress shall be 25 years of age, seven years a citizen of the United States, and when elected an inhabitant of the same State.—Art. 1, sec. 2, cl. 2.

QUALIFICATION of a Senator in Congress shall be 30 years of age, nine years a citizen of the United States, and when elected an inhabitant of same State.—Art. 1, sec. 2, cl. 3.

QUALIFICATION to office. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.—Art. 6, cl. 3.

QUALIFICATIONS of Vice President the same as that of President of the United States.—12th amend.

QUESTIONED. For any speech or debate in either House, they shall not be questioned in any other place.—Art. 1, sec. 6, cl. 1.

QUORUM of the Senate. A quorum (for the election of Vice President by the Senate) shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.—12th amend.

QUORUM of the House of Representatives. A quorum (for the election of President by the House of Representatives) shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.—12th amend.

REPRESENTATION. When vacancies happen in the representation from any State, the Executive thereof shall issue writs of election to fill them.—Art. 1, sec. 2, cl. 4.

REPRESENTATIVE. No person shall be a Representative unless twenty-five years old, been seven years a citizen of the United States, and, when elected, an inhabitant of the same State.—Art. 1, sec. 2, cl. 3.

REPRESENTATIVES. Members of the House of Representatives to be chosen every second year by the people.—Art. 1, sec. 2, cl. 1.

REPRESENTATIVES in Congress. Qualifications of electors of Representatives in Congress the same as for electors of the most numerous branch of the State Legislature.—Art. sec. 2, cl. 1.

REPRESENTATIVES shall not exceed one for every 30,000, but each State shall have at least one Representative.—Art. 1, sec. 2, cl. 3.

REPRESENTATIVES.—The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.—Art. 1, sec. 4, cl. 1.

REPRESENTATIVES. The Senators and—

Shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.—Art. 1, sec. 6, cl. 1.

They shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.—Art. 1, sec. 6, cl. 1.

REPRESENTATIVES. All bills for raising revenue shall originate in the House of Representatives, but the Senate may

propose or concur with amendments, as on other bills.—Art. 1, sec. 7, cl. 1.

REPRISAL. Congress shall have power to grant letters of marque and reprisal.—Art. 1, sec. 8, cl. 11.

REPRISAL. No State shall grant letters of marque and reprisal.—Art. 1, sec. 10, cl. 1.

REPUBLICAN. The United States shall guaranty to every State in this Union a republican form of government.—Art. 4, sec. 4. cl. 1.

RESIGNATION. Vacancies by resignation of Senators may be filled by the Executive of a State in recess of Legislature.—Art. 1, sec. 3, cl. 2.

RESIGNATION. In case of the resignation of the President, the office shall devolve on the Vice President, &c.—Art. 2, sec. 1, cl. 15.

RETURNED. Bills, resolutions, &c., not approved, to be returned by the President to the House in which they originated.—9th amendment.

RETURNED. Bills, resolutions, &c., not returned within ten days, Sundays excepted, to become laws unless Congress adjourn.—Art. 1, sec. 7, cl. 2.

RHODE Island and Providence Plantations entitled to one Representative in first Congress.—Art. 1, sec. 2, cl. 3.

RIGHT of the people. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—2d amendment.

RIGHTS. Exclusive rights to writings and discoveries may be secured to their authors and inventors for a limited time.—Art. 1, sec. 8, cl. 8.

RIGHTS of domestic security. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.—3d amendment.

ROADS. Congress shall have power to establish post offices and post roads.—Art. 1, sec. 8, cl. 7.

RULES of the common law. No fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.—7th amend.

RUNAWAY slaves, or persons held to service or labor, and fugitives from justice, shall be delivered up, &c.—Art. 4, sec. 2, cl. 2 to 3.

SCIENCE and useful arts. Congress shall have power to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.—Art. 1, sec. 8, cl. 8.

SEAT of Government. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.—Art. 1, sec. 5, cl. 4.

SEAT of Government of the United States. The list of electoral votes for President and Vice President shall be transmitted, sealed, to the seat of the Government of the United States, directed to the President of the Senate.—12th amendment.

SEATS of Senators. Terms at which the seats of the several classes of Senators shall be vacated.—Art. 1, sec. 3, cl. 2.

SECRECY. Each House of Congress shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy.—Art. 1, sec. 5, cl. 3.

SECURITIES. Congress shall have power to provide for the punishment of counterfeiting the securities and current coin of the United States.—Art. 1, sec. 8, cl. 6.

SENATE. The senate shall be composed of two Senators from each State, chosen by the Legislatures for six years, and each Senator shall have one vote.—Art. 1, sec. 3, cl. 1.

SENATE. The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.—Art. 1, sec. 3, cl. 4.

SLAVERY Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.—13th amend.

STATES. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.—10th amend.

TAX. A tax or duty on imported persons (slaves) might have been imposed up to 1808.—Art. 1, sec. 9, cl. 1.

TAXED. Indians not taxed excluded from representative numbers.—Art. 1, sec. 2, cl. 3.

TENDER. No State shall make any thing but gold and silver coin a tender in payment of debts.—Art. 1, sec. 10, cl. 1.

TERRITORY. Congress shall exercise exclusive legislation over all places (or territory) acquired for public purposes by cession of particular States.—Art. 1, sec. 8, cl. 17.

TERRITORY. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.—Art. 4, sec. 3, cl. 2.

THINGS. No warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.—4th amend.

THREE-fifths of all other persons (slaves) included in representative numbers.—Art. 1, sec. 2, cl. 3.

THREE-fourths. Amendments to the Constitution must be ratified by the Legislatures or Conventions of three-fourths of the States.—Art. 5.

TONNAGE. No State shall, without the consent of Congress, lay any duty of tonnage.—Art. 1, sec. 10, cl. 3.

TREASON against the United States shall consist only in levying war against them, or in adhering to their enemies,

giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.—Art. 3, sec. 3, cl. 1.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.—Art. 3, sec. 3, cl. 2.

TREASON. A person charged with treason and fleeing from one State to another, to be delivered up, on demand, to the State having jurisdiction.—Art. 4, sec. 2, cl. 2.

TREASURY. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.—Art. 1, sec. 9, cl. 7.

TREASURY of the United States. The nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States.—Art. 1, sec. 10, cl. 2.

TREATIES. All treaties made, under the authority of the United States, shall be the supreme law of the land.—Art. 6, cl. 2.

TRIAL. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.—7th amend.

UNIFORM. All duties, imports, and excises, shall be uniform throughout the United States.—Art. 1, sec. 8, cl. 1.

UNION. New States may be admitted by the Congress into this Union.—Art. 4, sec. 3, cl. 1.

UNION. The United States shall guarantee to every State in the Union a republican form of government.—Art. 4, sec. 4, cl. 1.

UNITED STATES. The time of choosing electors shall be the same throughout the United States.—Art. 2, sec. 1, cl. 3.

UNITED STATES. No person except a natural born citizen, or citizen of the United States at the adoption of the Constitution, nor unless he shall have attained the age of 35 years, and been 14 years a resident of the United States, shall be President of the United States.—Art. 2, sec. 1, cl. 4.

UNITED STATES. The President shall commission all officers of the United States.—Art. 2, sec. 3, cl. 1.

UNITED STATES. The judicial power shall extend to all controversies to which the United States shall be a party.—Art. 3, sec. 2, cl. 1.

UNITED STATES. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.—10th amend.

VACANCIES. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.—Art. 2, sec. 2, cl. 3.

VICE President, or when he shall exercise office of President of the United States. The Senate shall choose a President pro tempore.—Art. 1, sec. 3, cl. 5.

VOTES taken by States. In choosing the President by the House of Representatives, the votes shall be taken by States, the representation from each State having one vote.—12th amend.

WAR. Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.—Art. 1, sec. 8, cl. 11.

WAR. No State shall, without the consent of Congress, engage in war unless actually invaded, or in such imminent danger as will not admit of delay.—Art. 1, sec. 10, cl. 3.

WAR. No soldier shall be quartered in any house in time of war, but in a manner prescribed by law.—3d amend.

WAR. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of public danger.—5th amend.

WITNESSES. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.—Art. 3, sec. 3, cl. 1.

WITNESS against himself. Nor shall any person be compelled, in any criminal case, to be a witness against himself.—5th amend.

WITNESSES in his favor. In all criminal prosecutions, the accused to have compulsory process for obtaining witnesses in his favor.—6th amend.

WRITINGS. Exclusive right to writings may be secured by authors for a limited time.—Art. 1, sec. 8, cl. 8.

WRIT of habeas corpus. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.—Art. 1, sec. 9, cl. 2.

YEAS and nays. Votes into the two Houses of Congress, on passage of any bill, order, resolution, or vote, returned with objections by the President, shall be taken by yeas and nays.

POLITICAL DEFINITIONS.

To facilitate the comprehension, by the juvenile reader, of the following "Treatise on the Government of the United States," we give definitions of some of the most important political terms made use of, as they are understood and used by the most distinguished political and historical writers.

SOVEREIGNTY.

The supreme power of a nation. The United States is the only nation among the great powers of the earth, where the supreme power or sovereignty is vested in the people.

GOVERNMENT

Is a constituted authority, derived from sovereignty, and derives its *just* powers from the consent of the governed.

LAW

Is the voice of sovereignty and the rule of government. Blackstone lays it down as "a rule of action prescribed by the supreme power in the State, commanding what is right and forbidding what is wrong."

CONSTITUTION

Is the basis of government—the original compact which pre-

QUESTIONS.—What is sovereignty? What great nation leaves sovereignty vested in the people? What is government? Whence are its just powers derived? What is law? How does Blackstone define it?

scribes the limit of sovereignty and the powers of government. It is often termed the fundamental law.

DESPOTISM

Is a sovereignty where a single individual governs by his own will, without a constitution, and ignoring the consent of the governed.

MONARCHY

Is the rule of a single individual, which may be a despotism, as in the case of Turkey and Russia, or a constitutional government, as in the case of England.

REPUBLIC

Is a government where the will of the people is the sovereign power, however it may be expressed.

DEMOCRACY

Is a republican system where the voice of the *whole* people constitutes the government, as in the case of the Grecian Republics, where the laws were framed in the primary assemblages of the people. The word is derived from the Greek *Demos*, signifying *the people*.

ARISTOCRACY

Signifies government by a ruling class. The word is from the Greek and means *power held by the wisest and best*. That meaning may have been sustained by the Athenian aristocracy, but it has not been true always since then. The political is, of course, not the common use of the term.

PARTY.

In a political sense the word party signifies the embodiment of political principles. England and the United States are controlled by great and opposing parties, which strive for su-

QUESTIONS.—What is the Constitution? What is it often called? What is despotism? What is a monarchy? Give an example where a monarchy may be a despotism? Name a constitutional monarchy. What is a republic? What is democracy? Give an example of a democratic government? From what is the word derived? What does aristocracy signify? What is its literal meaning? What is the meaning of party, used in a political sense?

premacy, and the party whose principles are in the ascendancy, and most popular with the voting classes, assumes the control of the government.

FACTION.

A party whose views are individual, local or selfish; whose aims are sectarian and fanatical, partaking more of prejudice than patriotism, forms a faction.

LEGISLATURE

Is the assemblage of the representatives of the people, who constitute the law-making power.

CONGRESS

Is the highest law-making power of the United States, composed of Senators and Representatives sent from all the States, to whom are committed the affairs of the nation—a Senate consisting of two members from each State, and a House of Representatives, containing one member from each Congressional district in the Union. The word *Congress* applies to any national or international gathering, to consider affairs of state.

EXECUTIVE.

The chief officer of any nation or state is its executive, upon whom devolves the duty of executing the laws.

JUDICIAL.

Referring to the administration of justice.

JUDICIARY.

The system of courts by which justice is administered.

JURISDICTION.

The extent of legal power belonging to a court or to a government.

QUESTIONS.—What is a faction? What is the Legislature? What is Congress? Of how many bodies is it composed? What is the general meaning of the word Congress? What is an Executive, and what are his duties? To what does the word judicial refer? What is the judiciary? Define jurisdiction.

STATUTE LAW

Is the written law of the nation or state, as enunciated by the Legislature and administered by the courts, in conformity with the Constitution.

COMMON LAW

Consists of the customs and usages handed down from time immemorial, derived in part from the municipal and civil law of the ancients; formed also upon the necessities of later times, and adopted as rules of justice in the absence of written statutes. This system has been compiled by the most eminent jurists of England and America, from tradition and customs, and forms the basis of judicial proceedings in those countries, governing the action and decisions of courts, except in the presence of statutory provisions.

CORPORATION.

A body politic, having a common seal, is a *corporation*. Corporations are created for purposes of charity, trade or education. The term has a political, commercial or artificial sense, according to the circumstances.

CHARTER.

Is an act creating a corporation, as in incorporating a city or an enterprise.

MUNICIPAL.

Relating to a corporation. Municipal laws are civil or internal, in opposition to national or external laws.

IMPEACHMENT

Is a public accusation of malfeasance in office made by some competent tribunal, to arraign some executive or judicial officer for trial and possible removal.

QUESTIONS.—What is statute law? By what is it administered? What must it conform to? Of what does common law consist? How has it been compiled? What respect is paid to it? What is a corporation? How many meanings are there to the term, and what are they? What does a charter create? To what does the term municipal relate? What is the difference between municipal laws and national or external laws? What is impeachment? For what purposes is it made?

VERDICT

Is the answer which a *jury* make to the court and parties when a cause has been left to their decision.

TREASON.

Our national Constitution defines treason against the United States to be—*levying war against them, or in adhering to their enemies, giving them aid and comfort.*

REPRIEVE.

The remission of a sentence for a time.

DIPLOMACY.

Intercourse carried on between different countries by means of ministers or agents.

REVOLUTION.

As applied to governments, this term means any radical change in their systems. Any great change in public sentiment may be called a revolution, but the history of England, France, and our own country, shows that the people have, in each country, risen *en masse*, and having overthrown the existing governments, have instituted more popular systems. These were revolutions.

EX POST FACTO.

An *ex post facto* law is one that would go back in point of time to take cognizance of acts committed before its existence, or to make past acts criminal which were not criminal when committed. Such a law is contrary to the principles of true government, and our courts would refuse to enforce such a one, if it should be inadvertantly enacted.

BILL OF ATTAINDER.

This is a special legislative act, inflicting capital punishment upon persons supposed to be guilty of high offences, such as

QUESTIONS.—What is a verdict? How does the Constitution define treason? What is a reprieve? Explain what diplomacy is? What is a revolution? How have revolutions operated in England and France? What is an *ex post facto* law? Is such a law just? What is a bill of attainder?

treason or felony, without conviction in the ordinary course of judicial proceedings. Such an act, if it provides for inflicting milder penalties, is called a bill of pains and penalties.

A BILL.

This term is used to designate the written form of a public act proposed for passage by any legislature.

REVENUE.

The income of a government is called *revenue*, which may be collected, as in the United States, from many sources. We tax foreign importations, many classes of manufacture and incomes, exact stamp duties and sell public lands. From these and other sources is derived the public revenue.

TREATY.

Any agreement or compact made between independent nations for the settlement of differences, the preservation of peace, the regulation of trade or intercourse, or for any matter of international importance, is called a *treaty*.

NATURALIZATION

Is the act by which a foreigner becomes a citizen. England and other countries accord this privilege as a special favor, and the United States is the only one among the great powers which offers the privileges of citizenship to all nations.

BANKRUPTCY

Signifies inability to meet indebtedness. The word is used in the Constitution with reference to passage of acts of Congress by which debtors can surrender their property into the hands of agents as appointed by Government, and be relieved from obligation by the action of the courts.

QUORUM.

The constitutional number of members of a legislative body

QUESTIONS.—What is the legislative meaning of the word bill? What is revenue? How may it be collected? Explain what the word treaty means? What is naturalization? Is the principle common among nations? What is the meaning of bankruptcy? How is it used in the Constitution? What is a quorum.

required to participate in legislative acts, to make the same legal, is known as a quorum.

MAJORITY, PLURALITY, MINORITY.

Majority signifies more than one-half. Plurality is where any candidate or any measure gets more votes than any other, but not one-half. Minority is less than half.

TAXATION

Is the system of taxes levied by government by which the public revenue is derived.

LEGAL TENDER.

Any money established by government as a satisfaction for public and private dues, is a legal tender.

QUESTIONS.—Define majority. Define plurality? Define minority? What is taxation? What is a legal tender?

A TREATISE UPON THE HISTORY AND GOVERNMENT OF THE UNITED STATES.

WRITTEN EXPRESSLY FOR THIS WORK.

INTENDED FOR THE USE OF SCHOOLS AND FAMILIES.

It becomes a people, who are proud of the fact that they have been the first of all the nations of the earth to establish a Constitutional Government upon the basis of political equality and the consent of the governed, to have a knowledge of the principles upon which that government is based ; and, also, to be informed concerning those times in which the great principles of liberty grew to such magnitude as to be asserted against tyranny and oppression, which had been immemorial. And this work, giving to the public the Constitution, many facts concerning its origin, and many of the utterances of the Fathers of the Republic, would be incomplete, if it did not also sum up in brief those facts of our history that show how the hope of freedom grew in the Colonies until it ripened to fruition.

THE GOVERNMENT OF THE COLONIES.

The forms of government prevailing in the early Colonies

were materially different. The New England States enjoyed the greatest privileges, as by royal charter each one had a grant of the territory within its limits. The people elected their governors and legislative assemblies, and established their own courts of justice. The only limitation was, that no laws should be enacted contrary to those of England. The early settlers of New England were Puritans—men who preferred freedom in a wilderness to life in England, where they had been subject to a despotism, that bound thought as well as action. It was natural that such men should demand the greatest freedom to be granted by the age in which they lived, and should strictly guard and preserve it.

The remaining Colonies were much less favored. Maryland, Pennsylvania, New Jersey and the Carolinas were originally Proprietary Governments. For instance, Pennsylvania was granted to Wm. Penn, whose heirs had the appointment of its governors and officers, and a voice in making its laws. These Colonies were ill governed, and had much cause for complaint.

In New York, Virginia, Georgia and Delaware, the *Crown* appointed the governor and council. The people elected a legislative assembly, but the right to negative its acts remained with the governor.

As early as 1610 the King of England (James I.) resented the attempt of Virginia to establish a popular form of government. And in 1624 its charter was declared forfeited and the government taken into royal hands. Under Cromwell and the Parliament, Virginia enjoyed greater privileges. The early history of that Colony shows a continual contest with

QUESTIONS.—What colonies enjoyed chartered governments? What were the privileges of those governments? What States had proprietary governments? Who was the first proprietor of Pennsylvania? What was the power of the proprietors? In what State did the King appoint the Governor and Council? What privileges did the people have in those States? When did Virginia first attempt to establish a popular form of government? What did the King do in consequence? What did the early history of that colony show?

the Crown, and many complaints of oppression. New York was first settled by the Dutch in 1614, and remained in their possession until 1663, when it was surrendered to the English; but its possession was for some time in dispute. The Carolinas, in 1719, renounced the government of the proprietors, and were sustained by the King, who purchased the rights of the proprietors and established royal governments instead.

But they, and the people of the Colonies generally, however governed, as naturally as they breathed the air of the new hemisphere, imbibed ideas of freedom; and sooner or later the time was to come when the slightest foreign thralldom would be insupportable.

The rights of the Colonies were never clearly defined. The Crown claimed great and indefinite powers as its prerogatives, while the colonial assemblies claimed that their charters were irrevocable, and that their compacts with the King could only be altered with their consent. There was constant attempts at encroachment by the Crown, and as constant resistance by the Colonies, so that the history of a century gives us a story of great pretensions and exactions on the one part, and of continued struggle and resistance on the other. So great was the change, even under these circumstances, from the despotism of the old world to the comparative freedom of the new, that the Colonies struggled upward, growing in numbers and wealth, developing, with each wrestle with tyranny, a greater love for freedom and more ability to achieve it.

THE PEOPLE OF THE COLONIES.

The different settlements on the Atlantic coast of America grew out of circumstances as various as their climate and pro-

QUESTIONS.—When was New York first settled, and by whom? When was it surrendered to the English? When did the Carolinas renounce the government of the proprietors? Were they sustained? Were the rights of the Colonies and Crown clearly defined? What did the Colonial Assemblies claim? What was the result? What was the consequence of the change from the governments of the old world to the governments of the new?

ductions. New England was born of a religious sentiment, that claimed its rocks and hills as a refuge from civil and religious tyranny. New York was settled, and for half a century was held, by the Dutch, and afterwards became the home of many English, who, from various causes, emigrated to the new world. Pennsylvania was occupied by the Quakers, under their distinguished leader. Virginia was founded by the Cavaliers, while South Carolina became an asylum for persecuted Huguenots, driven from France, by religious persecution, to seek her favored clime. There were many differing elements of character involved in the settlement of the colonies; religion planted its faith in some; enterprise sought sources of wealth in others; adventure drew enthusiasts, and ambition called its votaries. But the free air of a new world, for such it was to all intents, inspired all with a love of freedom and a hatred of the tyrants of the world they had abandoned. It required the possession of more than ordinary character and enterprise to induce men to cross an ocean to seek a wilderness, and whatever differences of character pertained to the inhabitants of the different Colonies, they partook in common of an independence of mind, without which they would never have been there, and therefore could act in unison to attain rights that were essential to all. The character of the early colonists is in favorable contrast with the age in which they lived, and the spirit that they fostered has been bequeathed to a great nation, that claims them as its progenitors.

• OPPRESSIVE ACTS OF ENGLAND.

The King not only claimed the right to overrule legislation in the Colonies, but he, with his Parliament, insisted upon a system of taxation most unjust and obnoxious. From the

QUESTIONS.—What is said concerning the early settlement of New England?—of New York?—of Pennsylvania?—of Virginia?—of the Carolinas? What was the effect of life in the new world? What did the people of the Colonies possess in common? What rights did the King and Parliament claim?

first the colonies denied this right, and to the last they fought it. Many of the colonial legislatures took action upon it, and refused to be taxed by the mother country. Plymouth Colony in 1636; Maryland in 1650; Massachusetts in 1661; Rhode Island in 1664; New York about 1692; Virginia in 1676; New Jersey in 1680, either directly refused to be so taxed, or denounced the levying of such taxes upon them. So we perceive that, for a century or more before the Revolution, the principles that animated it were in existence. There was no question then made as to the right being possessed by England to control and regulate the commerce of the colonies; that right was conceded, and from the first duties were exacted of a restrictive character. All colonial produce was required to be carried to England, and heavy customs paid. Bonds were required and given that vessels would carry their cargoes to England and take their loading from thence. These regulations were often violated, and to secure their enforcement the *Navigation Act* passed Parliament in 1651, to force the colonial trade to be done in British ships, and to be confined to British ports. In the language of the act, it was intended "to keep His Majesty's subjects in the Plantations in a firmer dependence," while it should assist to build up British interests in general. This praiseworthy object was persevered in until "His Majesty's subjects," a century and more afterward, gained a "greater dependence" upon themselves. In 1672, duties were imposed upon commodities sent from one Colony to another, which Massachusetts disregarded, but it was enforced in other Colonies. The attempts of the colonists to become manufacturers were also met by hostile acts of Parliament. Pig iron could be made and sent to England, but the manufacture of iron and steel in any

QUESTIONS.—What was the action of the Colonies on the subject of taxation by the King? How long before the revolution were its principles asserted? What did the colonies concede to the King? What act did England pass concerning commerce in the Colonies? What did the Navigation Act require? What was its expressed intention? What was done with reference to colonial manufactures?

other shape was forbidden. There was no aid given to colonial industry, for tyranny seemed determined to hinder the progress and bar the enterprise of all its possessions outside the favored isles, and keep them dependent, so that they might never become free.

So passed a century after the Navigation Act was put in force. And burthensome and oppressive as the measures of the English Government were, they seem to have been submitted to, with occasional outbreak and much remonstrance. Even at that day, a century since, when the population of the thirteen Colonies amounted to less than two millions, the revenue derived from them by the General Government, through this system of duties, was ten millions of dollars per annum. And it must be remembered that an hundred years ago, one dollar represented more value than two at the present time. The Colonists groaned under an oppression they could not resist, and which was greater because they struggled to subdue a wilderness and were often involved in desperate conflicts with the Indians. It was when they had been impoverished by a long and bloody war with the French and their savage allies, that an attempt was made by England to add to their burthens and oppress them by acts of unheard-of tyranny, even to them, descendents of sires who, in the words of an English orator, seemed to have been "born to be taxed."

It was found necessary at the close of the French war in 1763, in view of the great expenses incurred therein, to increase the national revenue, and as one means of such increase, it was determined that the American Colonies should be taxed, and that the Navigation Act—more than a century old—and other acts regulating colonial trade, should be more rigidly enforced.

QUESTIONS.—Were these acts submitted to? What revenue did England derive from the Colonies? When were their burdens increased? What was the cause? What did England determine?

The colonial governments were deemed to be too liberal, and to maintain the old idea of keeping the Colonies dependent upon the Crown, it was determined that they should be altered. The idea—to use the words of Parliament—“of reforming the American governments,” meant reducing them to abject dependence, and keeping them too weak for revolt. In 1765 the Stamp Act was passed, and it was met with indignation and alarm through every village on the Atlantic coast. Meetings of the people were held, and indignation found vent in words. As a result of this feeling, expressed not only in general by the people, but given as the public voice by the action of the several Legislatures, the Stamp Act was repealed, but the very act of repeal was coupled with the assertion, that the English Government had unlimited power over the Colonies, if it chose to exercise it. The repeal of the Stamp Act was received with joy, but the assumption of unlimited power was met with scorn. In 1767 duties were imposed upon glass, paper, paints, and tea, and extraordinary measures taken to enforce the collection. The Legislatures of Massachusetts and Virginia protested against the action of government, and as a result, a very general compact was made that no goods should be imported from England, except a few of the most necessary. In 1770 the duties were rescinded on every article named except tea. The same year, in some attempt to awe the people into submission, an affray took place in Boston between soldiers and people, and several of the latter were killed. The result was that the public mind was excited to the highest point. The people refused to use taxed tea, and a Boston mob took all of that article found on board ship and poured it into the Bay. It was determined

QUESTIONS.—What change was proposed in the governments of the Colonies? When was the Stamp Act passed? How was it received? When was it repealed? What did Parliament assume? What duties were imposed in 1767? What was done in reference? What was the resolve of the people? When were the duties rescinded? What article was excepted? What affray occurred, and what was the result? What was done with the tea?

to punish Massachusetts into submission, but the other Colonies made common cause with her, and the Legislature of Virginia proposed that a general Congress should meet, thenceforth, annually, to take measures to preserve the united interests of America. Massachusetts favored it and appointed delegates, and from thenceforward the Continental Congress became the moving power of the colonies, and its formation the initiative of a Union that we trust will be immortal. The English Government persisted to the last in imposing and enforcing taxation upon these distant subjects, who, while cherishing a deep-seated love for father-land, claimed that taxation without representation was injustice. Step by step did this people become weaned from an allegiance of which at first they were proud, and at last, when they were driven to assert their rights and maintain them, they found them as broad as the continent and bounded only by liberty. Weaned finally from all old ties, they adopted independence as a right and gave us freedom as a heritage.

ACTION OF THE COLONIES.

Situated upon the shores of a new continent, and separated from the old world by a dangerous ocean, the American Colonies, though covering a space varying from the cold of Maine to the summer clime of Georgia, settled by men of the most varied character, and following the most diverse interests, naturally became nearly allied in feeling, and bound together by an exchange of products and reciprocity of trade. A journey from Boston to Philadelphia involved in those days more consideration than is now bestowed upon a voyage from New York to the Pacific coast. The age of progress had commenced, but the age of steam and electricity was not dimly shadowed forth, even to the great mind of Franklin. The

QUESTIONS.—What was the action of the other colonies when England tried to subdue Massachusetts? By what State was a Congress proposed? Why did the Colonies refuse to be taxed? How came independence to be asserted? What were the relations of the colonies? What was the difference between that age and this?

Colonies naturally stood by each other; and in all their opposition to the action of England in oppressing them, they gained dignity and strength to assert their rights by cultivating a unity of purpose, so that their Legislatures acted in harmony in defining their rights and privileges. Common danger and common interest were a bond of union from the first. The most northern Colonies, as early as 1643, formed a league, offensive and defensive, which was declared perpetual, under the name of the United Colonies of New England. Those Colonies, with New York, Pennsylvania and Maryland, held a convention in 1754, which unanimously resolved that *union* of the colonies was absolutely necessary for their preservation. In 1765, nine States sent delegates to a Congress held at New York, who digested a bill of rights on the subject of taxation. In September, 1774, an association of twelve States was formed. In May, 1775, the thirteen States for the first time met at Philadelphia in a general Congress, which consulted upon measures for the common safety. At that time the complication of affairs with Great Britain assumed a most serious character. Trade with the mother country was in great part suspended. Obnoxious articles, that were subject to taxation by act of Parliament, were driven from public use by universal scorn. The people leagued themselves against the use of tea, and the attempt to compel them to submission induced the "Boston Tea Party" to empty nearly four hundred chests of that article into the waters of Boston Bay, which was a more emphatic than just remonstrance against the acts of the Government. The riot in Boston followed. No doubt the indignant citizens provoked the wrath of the exasperated soldiery, and were in a measure blameable; but oppression begets acts of violence,

QUESTIONS.—What did the Colonies gain by unity? What was the common bond? What Colonies formed a league in 1643? What was it called? What Colonies formed a convention in 1754? What did that Convention resolve? How many States met in 1765? How many States met in 1774? What protest did Congress make? What affray took place that spring between troops and people?

and there are times when public indignation, just in itself, based on right and determined on being righted, long constrained, asserts itself in outbreaks that may be in point of law unjustifiable, but are in point of fact the assertion of rights long denied—the spontaneous action of the common mind when patience has ceased to be a virtue.

Union, then, became a necessity. Organization of action might secure success; unorganized action must fail. So the Congress of 1775 met to make united protest against the oppressive measures of England. There were great minds among the delegates collected there, and they seriously and firmly proceeded to inaugurate great events. The month before its meeting, the British troops had marched on Concord, and the initiative of war had taken place at Lexington. War was upon them, and resistance determined on; but that resistance assumed only to repel aggression, and did not contemplate independence. The Congress of 1775 determined to organize an army, and appointed Washington Commander-in-Chief. A currency was established, measures taken to secure munitions of war, and to meet the expenses of conflict. A memorial was addressed to the King, entreating a change of measures, and an appeal made to the people of Great Britain for aid, and showing the evils of separation. The heaven was working, but the thought of Independence was not yet.

DECLARATION OF INDEPENDENCE.

The petition to the King was unavailing, and at its second session in the same year, the Congress of 1775 proceeded to organize measures of resistance upon the land and upon the sea. A treasury department was created, and a postal service established. The King declared the Colonies in rebellion.

QUESTIONS.—What did Congress determine? Who was appointed Commander-in-Chief? What other action was taken! What did they send to the King and people of Great Britain? Did the King yield? What action did Congress take? What did the King do?

Parliament interdicted all trade with the Colonies, and authorized the capture and condemnation of all American vessels. The thought of independence was entertained, when these hostile acts showed plainly that no concession could be hoped for, and submission remained as the sole alternative. Congress made the 4th of July, 1776, the most famous day in the American calendar, by then adopting a Declaration of Independence; and when we remember the greatness and power of England, whose armies were unequalled on the land, and whose fleets made her the proud mistress of the seas—when we view the arrogance of her King and the pride of her aristocracy, and know that a love of empire swayed all this pride and power, we can somewhat appreciate the act of our fathers, who, loving freedom, dared all to sustain and preserve it. Their resolution was heroic, and they avowed it with the knowledge that failure would win each signer of that document a halter, while only success could bring them the liberty of life and action they desired.

The people of the Colonies received the Declaration of Independence with enthusiasm. They stood ready to sustain Congress, and the work of enlisting for defense was commenced in earnest. History tells us how the bells rang out the tidings, and it gives us the particulars of a struggle that lasted for many years and called out the heroism of a scattered people, few in numbers, occupying the shores of a continent, seemingly incapable of carrying on war, and offering an easy prey to the invader. But in fact this very weakness was strength. These scattered colonies were too broad for tyranny to cover, and too united for despotism to subdue. The earliest fact impressed upon the general mind was the need of unity, and while the century of their past history had secured harmony of interests and community of feeling, the threat of war was sufficient to bind them in

QUESTIONS.— What did Congress do on the 4th of July, 1776? Why should we appreciate this act? How was their action received?

national oneness. The names of Franklin, Jefferson, Adams, Washington and many others, were born to greater fame than falls to common times, and were fit types of the nation to which that struggle gave birth. The heroism of the Netherlands affords the only parallel of history, while they were resisting the worse than tyranny of Spain. George III. offers a forcible comparison with Philip II., and Washington rivals the calm heroism of William of Orange.

ARTICLES OF CONFEDERATION.

In 1777 Congress adopted Articles of Confederation and Perpetual Union between the States," and the title adopted remains to this day, THE UNITED STATES OF AMERICA. Each State had one vote in Congress, which was cast by a majority of its delegates, and the number of delegates from different States ranged from two to seven. These articles were submitted to the States—they were no longer Colonies—and immediately ratified by most of them. Maryland was the last to assent, in 1781, near the close of the war. Most of the States had formed new Constitutions, and owing to the hesitancy and objections of New Jersey, Delaware and Maryland, the Articles of Confederation were not immediately ratified, amendments being proposed by the States above named, and for a long time insisted upon. The difficulty of framing a plan that should give general satisfaction was inevitable, and the lapse of a few years proved that the objections urged were not without foundation ; but the Confederation was at length agreed upon, just before Parliament, in 1782, had authorized the King to negotiate a peace, for which purpose commissioners of the different countries met in Paris. The result of the war was to make the United States a free nation, and peace was secured upon that condi-

QUESTIONS.—When were Articles of Confederation adopted? What name was adopted! How many votes had each State? For what purpose did commissioners meet in Paris? What was the result?

tion, after seven years spent in continual, and often unsuccessful, conflict.

After peace was secured and independence achieved, the States remained for a number of years working, with more or less of harmony, under the Articles of Confederation. The powers of the Government were but limited; the raising of revenue was the individual act of the States—Congress had no voice in the matter; it could apportion the amount needed among the States, and depend on them for its collection. The principle of union was weak; for thirteen independent States, loosely joined together, offered continual obstacles to the workings of Government, and continual delays in the contribution of revenue. As a consequence, the public treasury remained empty, public credit was shaken, the public burdens increased, and the interest on the public debt remained unpaid.

The Confederation did not meet the idea of Union, nor was it suited to the necessities of the period. Dissatisfaction became general, for foreign and domestic commerce needed regulating; the powers of Government needed to be defined, and means of public revenue were indispensable. As time passed on, difficulties arose in providing governments for the regions filling up west of the Alleghanies, and the expedients proposed for amending the Articles of Confederation having utterly failed, although many had been suggested, the States finally agreed that a convention should meet, to effect a more extensive revision of the Articles of Confederation. Some such course was imperatively demanded. At home, internal commotion was a consequence of evils against which no provision could be made. The uncertain state of trade was due to the fact that while all nations heavily taxed the products of America, under the Confederation, Con-

QUESTIONS.—How was the Government of the United States conducted after the war? How was revenue raised? What was the cause of difficulty? What is said of the state of things at that time? What was finally determined on?

gress had no power to lay a duty on foreign goods. Shay's rebellion, in Massachusetts, was one effect of this state of things. There was a prevailing want of confidence through the States. Justice was obstructed in some parts, and bankruptcy stared the nation in the face.

While this was the condition of things at home, we were not respected abroad. Foreign powers recognized that our union was insecure and our nationality a farce, and as a consequence declined to show respect for our rights, or regard for their treaties.

The Constitution of the United States came as the result of this experience. Time had demonstrated that unless some more perfect government was devised than was attained by the Articles of Confederation, there would soon be no Government, but instead, anarchy would mock the dear-bought hopes of liberty.

FOOTPRINTS OF THE AGES.

It was ordained that a great and free nation should in time be planted upon the shores of the Western Continent, and that the ancient dynasties which had ruled the world by terror, which had added religious creeds to political tyranny, and throned dogmas of belief at the right hand of sovereignty, should yield respect to the principles of liberty, and should learn lessons of wisdom from men of the people.

"The mills of the Gods grind slowly." The eternal decrees were written down more than a century before, and the events of passing generations slowly wove the woof of fate, and circumstances were silently knit together to make a mantle for Liberty when the hour should come. Oppression drove free thought to seek these shores to find room for its

QUESTIONS.—What was the condition of public affairs that made such a convention necessary? In what state did a rebellion take place? Were the States respected abroad? To what had the events of more than a century tended? What did the colonists, of all varieties of character, possess in common?

exercise. Puritan and Cavalier, sturdy Dutch and zealous Huguenot brought hither, and cultivated in the minds of their decendants, an independence that grew stronger in the free air of the wilderness. They who never dreamed of the excess of thrall that had been their birth-doom, wondered to find that man could be free, and having tasted once the blessings of partial emancipation, found oppression intolerable. Thus despotism drove away from its presence the free mind that asserted itself even in banishment, until it grew to be a terror to monarchists. Had the colonists been permitted to enjoy some show of rights and yield their respectful homage and fealty in return, no revolution would have occurred; but they were destined to be driven step by step to lose affection for the mother land, and drawn imperceptibly towards independence. Reluctantly they were forced to revolution; confederation became a necessity, and the experiment of freedom—so new to the world—was undertaken, to learn that perfect freedom, to be consistent, must be based on perfect organization and mutual trust.

The long years passed in the throes of revolution had not been lost, for the exigencies of the times had produced mind and cultivated patriotic feeling. Selfishness had been taught a lesson of humility. The national spirit had been tempered to appreciate the necessity of union, and was willing to secure it by compromise. The Convention which met to revise the Articles of Confederation, found the task impracticable, and assumed a greater one—one never equaled in the annals of history, and for which the current of mighty events had scarcely prepared them. The presiding genius of its councils

QUESTIONS.—What was the effect on them of a partial taste of freedom? In driving them away from the old world, what did despotism aid in creating? Did the colonies aim at independence at first? How were they driven to it? What was found necessary to their success after freedom was attained? For what had the experience of revolution and confederation prepared them? Did the Convention fulfill the duties for which it originally assembled? Who presided over its deliberations?

was the grand, calm soul of Washington. The finest minds developed by that wonderful decade were gathered around him. The genius of Hamilton swayed it. The philosophy of Franklin was felt in it; for even during those troublous times, his fame as a philosopher and statesman had made an unequalled impression on the age. Madison and Randolph, Sherman and Ellsworth, Pinckney and Rutledge, Morris and Hancock, were among the many names that spoke the wisdom of an assemblage whose herculean task it was to build an eternal altar to Liberty, and to secure for all time to their people constitutional guarantees and political union. The questions to come before it were most complicated. Diversified interests presented themselves, and continual antagonism was to be reconciled. Then, as since, the North and South made opposing claims. Then, as since, the question of slavery was a gordian knot, which at last only the sword has been able to cut. The smaller States demanded equal representation, and the larger demanded representation according to their strength, and for four months the work proceeded, often with vehement action, but always with a spirit of compromise disarming and defeating discord.

ACTION OF THE CONVENTION.

The first question that arose was in relation to the amendment of the Articles of Confederation. Some of the delegates were instructed only to amend, but a majority considered the plan of confederation radically defective, and favored the formation of a new government, consisting of supreme executive, legislative, and judicial departments. Some of the delegates declined to act after this plan was determined on, deeming their instructions imperative, confining their duties to amendment of the plan of confederation. Randolph, of

QUESTIONS.—What great philosopher was a member of it? What was the task before them? What were the differences to be reconciled? What spirit ruled its action? What was the first question decided? How did some members view their instructions? What did they do?

Virginia, offered a series of fifteen resolutions, containing the outlines of what was termed the Virginia plan, by which the voice of each State should be proportioned to the taxes paid, or to its free population, the legislature to consist of two branches, one chosen by the people, and the other chosen by the members of the first, the two bodies to possess general legislative powers, and the power to coerce undutiful States. The National Executive was to be chosen by this National Legislature. The lines of party were immediately drawn. The jealousy of the smaller States was aroused. The doctrine of States' rights was stoutly maintained by them, and it was insisted upon that the representation of individual States should be equal, to preserve the weaker from being overridden by the votes of the stronger. They also deprecated a centralization of power in the National Government. The New Jersey plan differed materially from this. The Executive power was to be vested in several persons chosen by Congress, and empowered the Legislature to collect custom dues on importations, to regulate trade, and establish stamp and postage taxes. The New Jersey plan was rejected. An exciting and protracted debate took place, and events seriously threatened the breaking up of the convention. A committee of conference was appointed, with one member from each State, and as a result of their deliberations it was recommended that one-house should express the equal voice of the States, and the other be composed of representatives, apportioned to the ratio of population. This plan met with general favor. A strong contest followed in adopting a ratio of representation, which involved the question of slavery, and covered almost the entire ground taken by the agitation of that subject since that time. The South claimed that the slaves should be

QUESTIONS.—What was the nature of the propositions contained in the Virginia Resolutions? What did the smaller States claim? What was the New Jersey plan? What was done with this plan? What was threatened? How was the breaking up of the Convention avoided? What was proposed as a compromise? What was the next matter of contest? What did the South claim?

enumerated. The North resisted, and protested that the slaves were property, and not citizens; a compromise being finally effected upon the basis of an enumeration of three-fifths of the slave population, in the ratio of representation, and the levying of taxes.

COMPROMISES OF THE CONSTITUTION.

The formation and adoption of the Constitution was based on three great compromises. The first was the concession to the smaller States of an equal representation in the Senate; the second allowed the slave States to count three-fifths of their slaves in determining the ratio of representation; the third was termed by Gouverneur Morris a "bargain" between New England, with its commercial interests, and South Carolina, which insisted on the continuance of the slave trade as a *sine qua non*, for the adoption of the Constitution. New England demanded that Congress should have power to protect her commerce, and Georgia and Carolina declared that they must have slaves to stock their plantations. So the slave trade had, in the Constitution, a lease of twenty years existence. The history of the Constitutional Convention, shows that the exciting topics of debate, and the differences that threatened to bar the hopes of that generation, were the same as those that have since arisen, magnified in importance, often fed by passion and increased by prejudice, rocking the nation to its center, as the surges of popular feeling have been manifested. But while time has proved the exciting importance, and irreconcilable nature of those opposing interests, it has singularly demonstrated the wisdom of the assemblage which developed a system that has been the subject of eulogy by Web-

QUESTIONS.—How was the question of counting slaves finally decided? How many compromises were involved in framing the Constitution? What was the first? What was the second? What did New England demand? What did Carolina and Georgia make essential to their acceptance of the Constitution? How was that finally compromised? What does the history of that Convention show? What has time proved?

ster, that received the love and admiration of Clay, and has withstood the teachings of sectional men and the shock of many a stricken field. It is really wonderful how so much wisdom was combined in a single effort, and we contemplate the workings of Government for eighty years to realize that no essential change has ever been proposed, that the changes made by the adoption of amendments have in no manner affected the plan of government originally provided, or lessened the respect we deservedly entertain for the wisdom of its founders.

The Constitution bears date September 17, 1787. Delaware, Pennsylvania and New Jersey adopted it the same fall. Enough States ratified it the following year to give it effect. In Massachusetts, Virginia and New York it was adopted by a close vote, after a very exciting opposition. North Carolina and Rhode Island did not present their acceptance to Congress until 1790, more than a year after Washington had been inaugurated as the first President.

ACTION OF THE STATES IN ADOPTING THE CONSTITUTION.

The following is the order and manner of the ratification of the Constitution by the different States:

The first State which ratified the Constitution was Delaware, which did so on the 7th December, 1787—without condition or the recommendation of an amendment.

The second was Pennsylvania, which, in like manner, without any declaration or recommendation, ratified it on the 12th of December, 1787.

The next was New Jersey, which ratified on the 18th December, 1787, as is declared in their ratification, by the *unanimous* consent of all the members.

QUESTIONS.—Have essential changes been made in the Constitution during the last eighty years? What is the date of the Constitution? How many States had to ratify it to give it effect? When did Delaware ratify the Constitution? When did Pennsylvania? When did New Jersey?

The fourth was Connecticut, which likewise ratified without any declaration, on the 9th January, 1788.

The next was Georgia, which ratified, without condition or resolution.

The sixth was Massachusetts. In the convention of this State, there was much opposition to the Constitution, and at first a majority against it. In consequence of this, it was finally ratified with the *declaration* of the convention, that in their opinion, certain amendments and alterations were necessary to *remove the fears*, and *quiet the apprehensions* of many of the good people of that commonwealth.

The amendments recommended were as follows, viz:

1. That it be declared that all powers not *expressly* delegated by the Constitution should be reserved to the several *States*, to be by them exercised.

2. That there should be one representative to each thirty thousand persons, until the whole number of persons amounted to two hundred.

3. That Congress should not exercise the power of making *regulations for electing members of Congress*, unless the States neglected to make such regulations, or make them subversive of a free and equal representation.

4. That Congress do not lay *direct taxes*, but when the funds arising from impost and excise are insufficient, nor then till they have first made a requisition on each of the States for their quota, and the States have neglected or refused to pay their proportion.

5. That Congress erect no company of merchants with exclusive advantages.

6. That no person be tried for a crime, or suffer an in-

QUESTIONS.—When did Connecticut ratify the Constitution? When did Georgia? When did Massachusetts? What amendments did that State recommend relative to State powers?—relative to the number of Representatives in Congress?—relative to the election of members of Congress being regulated by Congress?—relative to direct taxes?—relative to commercial monopolies?—relative to indictment for crime?

famous punishment, or loss of life, except in the military or naval service, without indictment by grand jury.

7. The United States Judiciary shall have no jurisdiction of causes between citizens of different States, unless the matter in dispute extend to \$3,000, nor the judicial power extend to actions between citizens of different States when the matter is not of the value of \$1500.

8. In civil actions between citizens of different States, issues of fact at common law shall be tried by jury, if the parties request it.

9. Congress shall *not consent*, that any person holding an office of profit or trust under the United States shall receive any title or office from a king, prince, or foreign state.

With the recommendation of these amendments, Massachusetts, after great opposition, ratified the Constitution, on the 7th of February, 1788.

It will be seen in the Constitution, that the sixth recommendation in relation to *indictments* is embodied in the fifth amendment to the Constitution, and that the eighth recommendation is included in the seventh amendment. With the exception of these two, none of the recommendations were ever adopted.

The seventh State to ratify the Constitution was Maryland. This was done without any collateral resolutions, on the 28th of April, 1788.

The next was the State of South Carolina, which ratified on the 23d of May, 1788. Accompanying their recommendation also, were several resolutions, the substance of which is as follows, viz :

1. The first resolution was the same as the third of Massa-

QUESTIONS.—What amendments did Massachusetts recommend relative to the judiciary of the United States?—relative to trial by jury?—relative to titles from foreign powers? What recommendations were afterwards adopted? When did Maryland ratify the Constitution? When did South Carolina? Did Carolina make recommendations? Were they different from those made by Massachusetts?

chusetts, in relation to the power of *Congress to regulate* the elections of its members.

2. The second was the same as the first of Massachusetts, in relation to the powers *not expressly* granted.

3. The third was the same as the fourth of Massachusetts, in relation to *direct taxes*.

4. The fourth was a *verbal* criticism on the third section of the sixth article.

5. The fifth made it a standing *instruction* to the delegates from that State to endeavor to have these alterations made.

None of these proposed amendments were ever made.

The ninth State which ratified, and which made up the number which was necessary to put the Constitution in operation, was New Hampshire. This took place on the 21st of June, 1788. In the convention of this State, as in Massachusetts, there was great opposition to the Constitution, and their ratification was accompanied with the following recommendations.

1. The first is the same as those of Massachusetts and South Carolina, in relation to powers *not expressly* delegated.

2. The second is the same as the second of Massachusetts.

3. The third, fourth, fifth, sixth, seventh, eighth and ninth alterations proposed are the same with the corresponding ones, proposed by Massachusetts. In fact, as far as the tenth, the New Hampshire propositions seem to have been a literal copy from those of Massachusetts.

10. The tenth was, that no standing army should be kept in time of peace, without the consent of three-fourths of both branches of Congress, nor shall soldiers in time of peace be quartered upon private houses without the consent of owners.

11. Congress shall make no laws touching religion, nor infringe the rights of conscience.

QUESTIONS.—When did New Hampshire ratify the Constitution? Did this State propose amendments? Were they different from those proposed by Massachusetts? What ones differed?

12. Congress shall not disarm citizens unless such as have been in rebellion.

The latter part of the tenth alteration proposed is embraced in the third amendment to the Constitution. The eleventh is included in the first amendment to the Constitution. The twelfth is the second amendment.

The tenth State in the order of ratification was Virginia which ratified on the 26th June, 1788. In this State, also, there was much opposition, and their ratification was accompanied by a declaration of rights, in substance as follows, viz :

That the *people* may *resume* the powers of government, when they are perverted and abused to their injury and oppression ; that every power not granted remains with them and at their will ; that no *right* can be cancelled, abridged, or restrained by Congress, the President, or any department or officer of the United States, except where the power is given by the Constitution for these purposes ; and that the rights of conscience and of the press cannot be so restrained, modified, or cancelled.

This declaration contained the substance of many of the resolutions offered by other States ; and we shall see, in the course of this chapter, the portion of them which was adopted.

The eleventh State adopting the Constitution was New York. Their ratification was made on the 26th July, in the year 1788. It was accompanied by a long declaration of rights, and a series of proposed amendments.

In addition to the amendments already proposed by other States, there were the following :—

That Congress should not impose an *excise* on any article of the growth, production, or manufacture of the United States.

That no person should be eligible as President, Vice President, or member of Congress, who was not a natural-born cit-

QUESTIONS.—When did Virginia ratify the Constitution? What rights did Virginia claim? When did New York ratify the Constitution?

izen, or a citizen on the 4th of July, 1776, or held a commission under the United States during the war, and became citizens subsequently, and who shall be freeholders.

That to borrow money, or declare war, two-thirds of the senators and representatives present must concur.

That the privilege of habeas corpus shall not be suspended for a longer time than six months, or until twenty days after the meeting of the next Congress.

That the right of exclusive jurisdiction over ten miles square shall not exempt its citizens from paying the same taxes that other citizens do, nor privilege them from arrest for crimes committed or debts contracted without the district.

That the right of exclusive jurisdiction over certain public places shall not authorize Congress to prevent the operation of the State laws in civil and criminal matters, except as to persons in the employ of the United States, nor as to them, in respect to crimes.

That the compensation of members of Congress be fixed by standing laws, and no alteration operate for the benefit of members making it.

That the journals of Congress shall be published at least once a year, except such parts as may require secrecy; that they shall keep their doors open; and that two members may require the *y eas* and *nays*.

That no capitation tax shall be laid.

That no person shall be senator more than six years out of twelve; that the legislatures may recall their senators and elect others.

That no member of Congress shall, during the time for which he was elected, be appointed to any office under the United States.

That the power of Congress to pass bankrupt laws should only extend to merchants and traders, and that the States have power to pass other insolvent laws.

That no person be eligible as President a third time.

That the Executive shall not grant *pardons* for *treason* without the *consent* of Congress, but may *reprieve* them till heard by Congress.

That the President, or person acting as such, shall not command the army in the field unless by desire of Congress.

That all letters patent, commissions, writs, &c., should run in the name of "the people of the United States," and be tested in the name of the President of the United States, or the first judge of the court out of which process shall issue.

The Congress should constitute no inferior tribunals with *appellate* power, except such as are necessary for admiralty and maritime jurisdiction, and in other cases where the jurisdiction is not original, causes shall be tried by the State courts, with a right of appeal to the Supreme Court.

That the court for the trial of impeachment shall consist of the Senate, the judges of the Supreme Court, and the chief judge of the highest court in each State.

That no judge of the Supreme Court shall hold any other office under the government of the United States, or any of them.

That the militia shall not be compelled to serve out of the State for more than six weeks, without the consent of the legislature.

None of these propositions were adopted, but taken in connection with the amendments proposed by other States, they show what construction was, at the time, placed upon some of the most important clauses of the Constitution.

The twelfth State which ratified the Constitution was North Carolina, on the 21st of November, 1789. In this State, also, there was great opposition, and a resolution was passed declaring that a bill of rights should be annexed to the Constitution, and several amendments adopted.

QUESTIONS.—Were the recommendations of New York adopted? When did North Carolina ratify?

The ratification of New Hampshire, the *ninth* in order, was received by Congress on the 2d of July, 1788. They then appointed a committee to report an act to put the Constitution into operation. Under that act the Constitution went into operation on the 4th of March, 1789. It has been seen that North Carolina did not ratify till November, so that the first election of President was made by *eleven States*.

Rhode Island was not represented in the Convention, and did not ratify the Constitution till the 29th of May, 1790, more than a year after it had gone into practical operation. The ratification was accompanied by a Declaration of Rights, and the recommendation of many amendments. They recommended nearly all the alterations proposed by other States, and the following additional ones:—

That the judicial power of the United States, in which a State is a party, shall not extend to *criminal* prosecutions, nor to authorize any suit, by any person, against a State.

That no amendment shall take effect without the consent of eleven States.

That no person shall be compelled to do military duty without voluntary enlistment.

That no standing army be kept in time of peace.

These alterations were not adopted, except the one in relation to suits by individuals against a State, which is embodied in the eleventh amendment to the Constitution.

THE PRINCIPLES OF GOVERNMENT.

In a republican form of government, the sovereignty of course remains with the people. The most difficult question offered for the solution of the Constitutional Convention was, How shall sovereignty be brought into immediate

QUESTIONS.—When did the Constitution go into operation? What State was not represented in the Convention? When did it ratify? What additional recommendations did that State make? What most difficult question had the Convention to solve?

exercise? and to whom shall the powers of government be committed? These questions involved the nicer points as to what checks should be imposed upon the different departments, and what guards thrown around the Constitution itself, to preserve it as well from the frantic efforts of revolution, as the deliberate cunning of the unscrupulous aspirant, who, having achieved popular favor, might hope by a *coup d'etat* to usurp power, and pervert it to personal aggrandizement, or to the perpetuation of a dynasty. Then, as now, the true safeguard of liberty was to be found in the patriotism and intelligence of the masses; then, as now, there was little danger that a people who had been raised in the free air of America, combining the intelligent mind of the mother country with the freedom of thought peculiar to the new, could forget the hopes that formed their birthright, to permit the aims of ambition to triumph when the efforts of tyranny had so signally failed.

In creating these separate departments of government, the Constitution but conformed to great natural principles, and established a system which was a simple deduction from history. Government naturally resolves itself into the making of laws, the administration of justice according to law, and executive power must be exercised for the enforcement of law and the administration of justice. There were ancient States, where the people met in the forum to decide all questions. These were democracies, bounded by the limits and controlled by an ordinary town meeting. As democracies grew to be republics, the popular voice found expression through representative assemblies, which framed the nation's laws. Then courts were created to decide law and administer justice, and an

QUESTIONS.—What points did these questions involve. When was the true safeguard found? Into what does government naturally resolve itself? What is said of some ancient democracies?

executive head was indispensable. The wisdom of the Convention was manifested in combining the powers of government so that the perfection of human wisdom has developed no improvements thereto, and no essential point has proved defective in the light of experience. The normal condition of things has in some manner changed. The disturbing causes of a century since have remained elements of discord in the nation, and the Constitution has been changed to effect peculiar ends; but the great principles of government, the idea of Union, have remained as firm as adamant.

CONGRESS.

The popular branch of Congress has always contained the freest expression of the popular mind. Selected every two years, directly from the people, the House of Representatives always speaks the direct impulse of the masses, and possesses a full measure of the enthusiasm engendered by continual contact with the popular mind. The ratio of representation has increased from one member to every thirty thousand until it is now fixed at one Representative for four times that amount of population. The principle of representation is, however, not effected by this change, as the full number of Representatives, were all the States admitted to participation, would be nearly three hundred, and a larger body would soon become too unwieldy for the transaction of the public business.

Two Senators from each State compose the Senate. And as the equal voice of the people is heard in the lower House, the equal rights of the States are maintained in this. The Senate is one of the most dignified bodies in existence. Its members are chosen for a term of six

QUESTIONS.—What manifests the wisdom of the Convention? For what purpose has the Constitution been amended? What is said of the popular branch of Congress?—what of the ratio of representation? Is the principle of representation affected? How is the Senate composed?

years, and therefore may be supposed to act with less extraneous influences brought to bear upon them, and with more individuality of character, than Representatives, who, being elected for short periods, are naturally swayed by the passions of the hour. The Senators are elected by the Legislatures of the States in joint convention. As a class they have been men of more advanced age and mature mind than the members of the House, which represents the choice of the people given to the most popular and plausible aspirant, while the choice of Legislative assemblies naturally falls upon men of greater maturity of years and thought. The qualifications of a Representative are that he shall be twenty-five years of age, and seven years a citizen of the United States, and an inhabitant of the State he seeks to represent.

A Senator must be thirty years of age, nine years a citizen, and an inhabitant of the State he represents. The Senate is divided into classes, so that the terms of one-third of the members will expire every two years. Each Congress continues for two years, during which period, any bill originating in and passing one House, may be passed by the other. Each House is to judge the qualifications of its members, and decide the validity of elections and returns in their cases. Each House establishes its rules and penalties for their infraction. Neither House can adjourn during a session without the consent of the other for a longer period than three days, or to any other place.

Members of Congress are privileged against arrest in ordinary cases, and guaranteed a freedom of debate. A

QUESTIONS.—How are the Senators elected? What are the qualifications of Representatives?—of Senators? How is the Senate divided into classes! Who judges of the qualifications and elections of members of Congress? How long does each Congress last? Can either house adjourn separately? What privileges are accorded members of Congress?

member of Congress cannot hold any other office under Government. When a bill has passed both Houses of Congress by a vote of the majority of each, it must be submitted to the President for his signature before it can become a law. He possesses the *veto* power, and can return the bill, with his objections thereto, to the House where it originated. It can still become a law, if two-thirds of each House shall pass it over his veto. In case the President shall keep a bill in his possession for ten days (Sundays excepted) it becomes a law without his signature, unless Congress has adjourned in the meantime.

The veto power of the President extends to "every order, resolution or vote to which the concurrence" of both Houses is necessary. These also may be passed over his head, as in the case of a bill.

We have shown briefly the character of Congress, the structure of the two Houses, and the relations they bear to the President. To fill the object of this work, it will be proper and necessary to recount the powers of Congress as laid down in the Constitution, and add such remarks as will make plain the meaning of the Constitution to every reader, and to render it suitable to the labors of the student.

POWERS OF CONGRESS.

Section 8, of Art. 1, of the Constitution says:

"The Congress shall have power to lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States."

QUESTIONS.—Can members hold other Government offices? By what process does a bill become a law? What power does the President possess? How can a bill pass over his veto? What else can the President veto? Can the President nullify a bill by keeping it in his possession and not signing it? What powers are granted Congress to raise money, and for what purpose is money to be expended? What is said as to uniform taxation?

This section provides for the raising of money for national purposes, and specifies for what objects Congress shall have power to raise money, as well as by what means. It further requires that taxation, in whatever form, shall be uniform throughout the United States. The term "United States" has been decided by the courts to mean the whole national domain, and includes the Territories and District of Columbia as well as the individual States.

Direct *taxes* are apportioned according to enumeration, and have only been laid four times in the history of the government, the last time being since the commencement of the civil war. The word *duties* includes the idea of taxation; but it is usually applied to taxes required upon goods imported from foreign countries. The term *imposts* is only used in reference to dues paid upon imported goods. The term *excises* extends to licensing occupations, as well as taxation upon incomes, home products and manufactures, and has been used also to mean duties on importations. While the General Government depends upon other sources for revenue, the individual States, counties and municipalities rely upon direct taxation almost exclusively.

The power "to borrow money upon the credit of the United States" belongs also to Congress, as conferred in the same section. Such a power could not safely be entrusted to any other department, and its exercise is guarded by the fact that they are most immediately responsible to the people.

"To regulate commerce among foreign nations, and among the several States, and with the Indian tribes."

QUESTIONS.—What does the term United States mean as here used? How are direct taxes apportioned? How many times have direct taxes been laid? What is said of the word duties?—what of imposts?—what of excise? Upon what source do the several States, counties and municipalities depend? What is said of the power to borrow money?—of the regulation of commerce?

Commerce is one of the great sources of our nation's wealth, prosperity and greatness, and upon its proper regulation depends, in a great measure, continuance of prosperity. The Confederation failed, because Congress, under its articles, had not this power; therefore its necessity was appreciated. By its exercise we favor American vessels, by securing them the coasting trade—we compel the world to accord us fair terms, and also derive a large national revenue from duties laid upon importations. By this clause, the States conferred also on Congress the control of internal commerce, so that no State can restrict or prohibit trade with any other State. Government takes the Indian tribes under its care, and regulates trade with them when they are located on reservations.

Naturalization is the process by which foreigners become citizens of any country. Congress has power "to establish an uniform rule of naturalization," by which means persons not educated to our customs, and subjects of countries where free government does not exist, are excluded from immediate participation in public affairs. "To establish uniform laws on the subject of bankruptcy" also belongs to Congress; in view, no doubt, of the fact that times of great commercial disaster sometimes arise, when it is both necessary and humane that those debtors, who surrender all their property to their creditors, should be relieved from their embarrassments and permitted to enter into new business engagements.

Three "bankrupt acts" have passed Congress. The first in 1800, which viewed the debtor, according to

QUESTIONS.—Had Congress this power under the Articles of Confederation? What do we now gain by it? What is naturalization? What power has Congress concerning it? What is the effect of naturalization laws? What power has it in relation to bankruptcy? Why is legislation needed! What law was passed concerning it in 1800?

English precedent, in the light of a criminal. The commercial revulsion of 1837 induced the bankrupt act of 1841, and the effect of the civil war has been to secure the act passed in 1867. These acts have been passed to meet emergencies that have arisen in the commercial world. The two first were soon repealed, and probably the last will not remain long in force. It does not seem to be as permanent, but an occasional policy that establishes a system of bankruptcy, by which obligations are cancelled without equivalent. The present act shows a spirit of magnanimity towards the States which, having attempted rebellion and failed, have become financially impoverished, and require such assistance to enable them to again attain commercial prosperity.

“To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.” By this clause a national coinage is provided—securing uniform currency, as well as a standard weights and measures, both of which are essential to facilitate commerce and general intercourse between the States.

“To provide for the punishment of counterfeiting the securities and current coin of the United States,” which is necessary to protect both the government and its citizens from loss and imposition, and give confidence to the commercial interests.

“To establish post-offices and post-roads.” This power has been exercised to facilitate communication and correspondence, until the post-office system has become almost perfect, and also self-sustaining, or nearly so. The most

QUESTIONS.—What is said of the bankrupt act of 1841?—what of that of 1867? Is there an established system concerning bankruptcy? What is said of the powers of Congress to punish counterfeiting?—to establish post-offices and post-roads?

distant regions of the national domain are included in the postal service with excellent results.

“To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.” The laws passed in consequence of this clause, have protected inventors and authors to such advantage that, in the mechanical arts, America has attained the first rank; and its literature is growing into world-wide appreciation, though necessarily more restricted than that of a few older nations, whose institutions, founded for many centuries, afford more scope for literary display than can be cultivated by the utilitarian ideas of the new world.

“To constitute tribunals inferior to the Supreme Court.” In accordance with this provision circuit and district United States courts are held in every State and Territory.

“To define and punish piracies and felonies committed on the high seas, and offences against the laws of nations.” The sea is the great highway of all the nations. Each is present then under its flag and has jurisdiction of crimes committed under it. The law of nations makes piracy an offence, and also violations of safe conducts and passports, and any infringement on the rights of foreign ministers.

“To declare war, grant letters of marque and of reprisal, and also make rules concerning captures by land and water.” It was proper that Congress should have this power, as they would have to provide the means to carry on war; besides which, such momentous questions should be decided by the immediate representatives of the people.

QUESTIONS.—What is said of inventors and authors? What has been the effect of laws for their protection? What tribunals could Congress constitute? What is said about piracy? What is said of the law of nations? Where is found the power to declare war? Why does it properly belong to Congress?

In the same connection, Congress should have power "to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces," as well as to regulate and control the militia of the whole Union.

Congress has exclusive legislation concerning a region originally ten miles square, known as the District of Columbia, within which are the City of Washington and the national Capitol. Over this District Congress has exclusive legislation, by which means it is independent of State assistance to insure its own protection from any threat of violence. Congress also controls the grounds whereon are located forts, arsenals and public buildings of the United States.

The last clause of Section 8 of the Constitution gives Congress the general power to make laws consistent with the powers granted, and for their enforcement, and to enforce "all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof." The specific declaration of powers granted would have come far short of the occasions certain to arise in the history of the nation, requiring Congressional action, and this last clause was important as enunciating plainly that the powers of Congress must be more extensive than they could possibly recount. Congress therefore possesses power to put the Government in motion and to carry it on through any general emergency, so long as its action does not contravene the express or implied terms of the Constitution.

QUESTIONS.—What is said of the power of Congress in connection with the army?—navy?—militia?—of the District of Columbia and lands occupied by Government? What general powers are conferred in the last clause of section 8 of the Constitution? Would the specific powers recited have been sufficient? What implied powers does Congress possess concerning the Government?

RESTRICTIONS ON THE POWERS OF CONGRESS.

Section 9 of Article 1 of the Constitution recites certain restrictions upon the powers to be exercised by Congress. The first, though carefully worded, applies to the African slave trade, the continuance of which, we have seen, was demanded by Georgia and South Carolina, as a condition to their acceptance of the Constitution; which concession was made by compromise with the commercial interests of New England, for a period of twenty years—that during that time the Southern plantations might secure an abundant supply of labor, while Congress had the power to protect the commerce and shipping of New England from foreign rivalry. The clause referred to, provides that: “The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.”

The second clause is: “The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.” This writ, and the power to command it, secures the privilege of personal liberty to every citizen, and guarantees an examination by the courts into the cause of any confinement or detention of any citizen, if held by authority of law, or otherwise restricted of liberty. The writ of any court may thus be revised by a superior court. The confinement of any person, as being insane or unwell, may be examined into. The person of any child or ward may

QUESTIONS.—What does Sec. 9 of Art. 1 of the Constitution recite? What is the first restriction? What is said of the slave trade? What is the clause concerning the writ of habeas corpus? What does this writ secure? How does the writ operate?

be released from unjust control or guardianship, as the courts can compel any person to appear before them, and bring the person so confined; and in cases of any unlawful restraint or detention whatsoever, the courts can secure freedom or proper care to such person. In time of war, military necessity is supposed to be paramount. The nation's existence may be at stake, and the suspension of the writ of habeas corpus may be inexorably demanded by the public emergency; for then the forms of law hinder the progress of armies and the acquisition of needed intelligence. War is ruthless. Ameliorated as it is, by the advancement of humanity, it still allows no forms of justice to bar the passage of armies; therefore the Constitution provides, that in times of rebellion and war, military law may become paramount, but military officers are held strictly accountable for the unjust and unreasonable exercise of power. The suspension of the writ of habeas corpus cannot be justified when affecting a region outside the theater of military operations. There was much question and debate as to the manner of its suspension during the late civil war.

“No bill of attainder or ex post facto law shall be passed.” A bill of attainder is a legislative act by which summary punishment is visited upon guilty persons, without trial or conviction by course of judicial proceedings. It is practiced in monarchical governments, but is not consistent with free institutions, and so is distinctly prohibited. An ex post facto law is intended to retroact, or punish acts committed before its passage, and not criminal

QUESTIONS.—When can the writ be suspended? What reason is given for this? What is said of the nature of war? What does the Constitution provide in cases of military emergency? What is a bill of attainder?—where is it in use?—is it in use here?—why not? What is the effect of an ex post facto law?—what is said of it?

when performed. Such a law would be very inconsistent, and is therefore prohibited. Any law, criminal or otherwise, calculated to change or affect past transactions, is an *ex post facto* law.

“No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.” This clause simply conforms to the provision relative to taxation, recited in the powers granted Congress, and virtually repeats that three-fifths of the slave population shall be counted in the levying of direct taxes.

The next clause secures the exportation of home products from being taxed, and provides perfect freedom and equality in the commercial relations of the different States, a condition natural and necessary to harmonious union of the States.

“No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.” Necessary guards are thus thrown around the treasury, and the public money protected from executive encroachment or official misuse. The publication of facts concerning the national finances accords the people a proper knowledge of the resources of the Government and of the disposal made of their property.

Titles of nobility are held inconsistent with republican simplicity, and are properly prohibited. A high sense of

QUESTIONS.—What is said relative to capitation tax? Is the exportation of home products taxed? Are the commercial privileges of the States free and equal? How can money be drawn from the treasury? What is said concerning this clause? What is said of the publication of facts concerning national finances?—what of titles of nobility?

honor demands that no officer of Government shall accept gifts or honors from foreign powers. Several instances have occurred where valuable presents have been made to officers, but they have not been retained by the intended recipients.

RESTRICTIONS OF STATE POWERS.

Section 10, of Article 1, of the Constitution, restricts State powers as follows: "No State shall enter into any treaty, alliance or confederation," as in such matters the General Government acts for all and by general consent. Nor shall they "grant letters of marque and reprisal"—powers incident to the right to make war, nor "emit bills of credit," which would amount to creating a currency of State promissory notes, nor "make anything but gold and silver coin a tender in payment of debts." The power of creating a legal tender remains with Congress, and has been extensively exercised during the war. Nor "pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility." Laws "impairing the obligation of contracts" may pass Congress, as in case of a bankrupt law. Such a law may be enacted by States, also, to take effect on cases arising after its passage, because contracts would be made in view of the law and would not be impaired by it, but would be regulated by it. The remaining restrictions contained in this clause are of powers forbidden to the Congress as well as to the States, as being unjust in principle and unsafe in practice.

QUESTIONS.—Can officers receive presents from foreign powers! Why cannot a State enter into a treaty, alliance or confederation?—what powers beside are prohibited to the States? Can Congress pass bankrupt acts? Under what circumstances can a State do so?

HISTORY AND GOVERNMENT.

The foregoing review of the powers granted Congress, and the restrictions laid by the Constitution upon those powers both of the Congress and the States, thus far has been introduced with the hope of explaining to the reader and student the meaning of every phrase made use of, as well as to interpret from concurrent history the intention of the framers of the Constitution, as expressed in that instrument. Upon the constructing of these powers, great minds have expended themselves. The greatest intellects of the age have become its expounders, frequently differing in conclusions; and the idea of this treatise does not contemplate statements of Constitutional law, but offers history and such simple explanation as history can safely warrant.

ELECTIVE POWER.

Article 11 of the Constitution relates to the national executive, denominates his title, states the manner of his election and qualification, and recites at length his duties and privileges. Under the Confederation, the necessity of an executive head was very severely felt, and the questions that arose in determining the manner of his election, the power with which he should be entrusted, and the length of his term of office, were various and complicated. It was finally decided that the choice of the chief magistrate should be committed to an electoral college, composed of as many members as there were Senators and Representatives in Congress. These were to be chosen by the people, each State sending as many as it had members in either House of Congress. The manner of electing these was

QUESTIONS.—Was there an Executive under the Confederation? What were the difficult questions relative to the President? Who choose the President and Vice-President? Who choose the electoral college?—how are they chosen?

to be decided by the State Legislatures. In South Carolina the Legislature itself has always chosen the electors, while in the other States they have been chosen at general elections, in the same manner as State officers and Representatives in Congress. The idea expressed in the Convention was, that a general election, held throughout the nation, would often be accompanied by great and dangerous excitement. The electoral college was provided as a medium through which the election might be effected with quieter results. The idea that great political parties would exist; that conventions would nominate candidates upon political platforms, and that the electors would act as the exponents of partisan feeling, seems not to have been entertained. It is a question often agitated, if the more republican form of effecting the Presidential election would not be to submit it to the direct vote of the people themselves. As a measure preventing popular excitement, the present plan fails to realize the intention of its framers. But it cannot, in the light of events, be considered as in any particular sense objectionable. The result attained, would probably not differ under a more popular system. Article XII. of the Amendments makes fuller provision for the election of President and Vice President. As amended, the Constitution requires that a majority of the electors shall agree upon the successful candidates, and in case of failure of any candidate to secure such a majority, the election of a President shall devolve upon the House of Representatives, in which each State shall

QUESTIONS.—Who decides the manner of their election? What opinions were expressed in the Convention? Did they anticipate our great political parties? What other course is suggested as more republican? Can the present plan be called objectionable? Who elects the President, if the electoral college disagree and no one receives a majority vote?

cast, through a majority of its Representatives, one vote. A quorum of all the States shall be present, and a majority of all is required to secure an election. Upon the Senate devolves the election of Vice President, who is ex-officio President of that body, and in case the House fail to elect, the Vice President becomes President. The President and Vice President cannot be citizens of the same State. The persons balloted for by the House for President, or by the Senate for Vice President (in case the election devolves upon them), must be the most prominent candidates who were before the electoral college.

A President or Vice President of the United States must be a natural-born citizen, and thirty-five years of age. Congress has power to declare what officer shall be President, in case anything occurs to vacate the offices of President and Vice President. The Executive is Commander-in-Chief of the Army and Navy, and possesses the power of reprieve and pardon of all offenders against the United States, except in cases of impeachment. In conjunction with the Senate, he has power to make treaties; to nominate and appoint ambassadors, ministers, consuls, judges, and all the superior officers of the Government; but Congress may vest the appointment of such inferior officers as they think proper in the President alone, the courts of law or the heads of departments. The President fills all vacancies in office, but unless confirmed by the Senate, the commissions granted by him expire at the close of the next session.

The power of the President to remove officers of Government is not expressly defined in the Constitution, and has

QUESTIONS.—How is it done? Who elects the Vice President in such a case?—how? Who is President of the Senate?—how? How do the Senate and House of Representatives select candidates for President and Vice President? What qualifications are required for the President and Vice President? What power has Congress in case both offices become vacant? Who commands the Army and Navy? What about the pardoning power? What powers do the President and Senate enjoy in common? Who fills vacancies in office?

been disputed. Early writers, who were members of that Convention, argued that the consent of the Senate was as necessary to removal as to appointment. But this construction has not been followed, and it has been the practice of Presidents to remove officers at pleasure. The evils of this system are manifest, as in many instances indiscriminate removals are made on merely partisan grounds, without waiting for the expiration of official terms. This practice has been carried to such great lengths as to amount to an abuse of the privilege, and the discussion of the subject has been renewed under circumstances of much excitement. Congress, in March, 1867, passed a tenure of office bill, over the President's veto, by the terms of which, except in cases of misdemeanor or disqualification, every incumbent of office, which is not of limited duration, except Cabinet Ministers, shall hold the same until a successor has been appointed, confirmed by the Senate and duly qualified. The power of the President to fill vacancies is defined by the Constitution. Excepting in the case of Cabinet officers and judges, the President, when satisfied that officers have been guilty of official misconduct, or have become disqualified, can suspend them and transfer their duties to others; but the Senate at its next session decides the question of suspension, and must confirm the new appointees. It is his duty to give Congress "information of the State of the Union," and to recommend measures to them; he can convene both Houses or either of them, or decide questions of adjournment in case of disagreement on their part; he shall receive ambassadors and foreign ministers, and take care that the laws are faithfully executed, and commission all the officers of the United States.

The power of impeachment and trial of the President,

QUESTIONS.—When can the President convene Congress? What is said of the power of the President to remove federal officers? What position did early writers take? Has that been the practice? What are the manifest evils? What action was taken by Congress in 1867? Give a statement of the tenure of office bill? What are the remaining duties of the President?

Vice President, and all civil officers of the United States, for high crimes and misdemeanors, lies in Congress. The House of Representatives has the sole power of impeachment, and the Senate has the sole power to try cases of impeachment. When the President of the United States shall be on trial, the Chief Justice shall preside.

The President wields immense power and patronage, and, in view of this fact, his term was not fixed at a long period; while in view of the necessity of experience and the danger of making too frequent changes of the Executive, the medium period of four years was decided on, and a prohibition entered against one person filling the position more than two consecutive terms. The office of President is guarded by many restrictions, and the wisdom of the Fathers of the Republic is not less manifest in this part of their work than in the remainder.

THE SUPREME COURT.

While all laws must pass both Houses of Congress and be submitted to the approval of the President before they can take legal effect, it remains with the Supreme Court of the United States to decide their constitutionality. When any case, arising under such a law, is taken from the inferior courts, and comes before the supreme tribunal upon a writ of error, their decision establishes the validity of the act or else pronounces its unconstitutionality. Therefore, this court pronounces the ultimatum of law, and sits as a judge of the constitutionality of the acts of Congress and the Executive. Its members are appointed by the President, with the consent of the Senate, and they hold their positions during good behavior.

QUESTIONS.—Where is the power of impeachment to be found?—how is it exercised? What is said of the term of office of the President? What tribunal decides the constitutionality of laws? How is that decision arrived at? In what capacity then does the Supreme Court act? How are its members appointed? How long do they hold office?

Such a court did not exist under the Confederation, and its necessity became apparent; for with all the guards otherwise taken against improper legislation, it would still be almost impossible to avoid the enactment of laws that would be conflicting and contrary to the spirit of the Constitution. The excitement of popular feeling could easily influence Congress and affect the President; therefore the institution of a Supreme Court, composed of men chosen for experience and legal attainment, representing the different divisions of the Union, and virtually occupying their positions for life, is the most perfect idea of a high national court. These men may be supposed to be removed by circumstances from the influence of popular excitement; they entertain no fear of removal from office; their lives are devoted to the contemplation of great constitutional questions, and while the masses are swayed by the excitement of the hour, they, with the light of history to guide them, and the action of the great minds of the past in remembrance, decide according to the Constitution, as their life efforts realize it. Human wisdom seems to have excelled itself in the formation of our Supreme Court, but complaint has been made that the perfection of the plan is not realized in the result. Judges are appointed by partisan Presidents, and confirmed by party majorities in the Senate. They naturally have party views, and entertain habits of thought that induce more or less of prejudice. Under these circumstances, even the action of this Court is sometimes condemned by one party or the other, and its decisions attributed to political feeling. This fact shows that human wisdom is incapable of perfection, while the Court remains, in the opinion of most, the highest perfection of law attainable.

QUESTIONS.—Was there such a court before the Constitution was adopted? What is said of its necessity? What reasons exist for considering the Supreme Court an impartial tribunal? What is said of the wisdom of its formation? Is it said to be always free from prejudice? What does this fact show?

“In all cases affecting ambassadors, or other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction,” or in other words, suits relative to these subjects, can originate in the Supreme Court, as well as in the lower courts of the United States. The principal business of the Supreme Court is found in trials on appeal from the District and Circuit Courts. When the Constitution or laws of the United States come in question before the highest court of any State, and are there decided, a writ of error may be brought, the points of law involved be transferred to the consideration of the Supreme Court of the United States, and the decision of the State Court approved or reversed.

THE OTHER FEDERAL COURTS.

The jurisdiction of the federal courts is defined in Article III, Sec. 2, of the Constitution, as follows:

“The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies between two or more States; between different States; between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens or subjects.”

The United States is divided into as many circuits as there are members of the Supreme Court. Two courts are annually held in each circuit, composed of a Judge of the Supreme Court and a Judge of the District Court of the United States

QUESTIONS.—What cases does the Constitution say can originate in the Supreme Court as well as in the lower federal courts? What is the principle business of the Supreme Court? How are points of law decided? What is the jurisdiction of the federal courts, as laid down in the Constitution? How are the Circuit Courts arranged?

where the court is held. There are also District Judges who hold District Courts, the Districts sometimes comprising a whole State, and the larger States being divided into several districts.

The Circuit Courts have jurisdiction over all the causes enumerated in the Constitution. All these cases can originate in the Circuit Court, while only a few can originate in the Supreme Court, as we have shown.

The Union is divided into as many circuits as there are Judges of the Supreme Court, and each has his circuit, where two courts are held each year by the Circuit Judge and the United States District Judge of the District where court is held.

District Judges have jurisdiction over cases arising under laws for the collection of duties, and in cases of penalties and forfeitures under, and of crimes of an inferior grade against, the laws of the United States. The right of trial by jury is guaranteed throughout the United States by the Constitution, and it also provides that no person shall be held to answer for any "infamous crime," unless "on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces." So these courts have both petit juries and grand juries provided by action of Congress.

TREASON.

In the Constitution, treason against the United States is defined as "levying war against them, or in adhering to their enemies, giving them aid and comfort." In despotic governments, treason used to consist of merely words spoken, threatening the monarch. In England any attempt upon the life of the King, Queen or heir-apparent is treason, and statutes exist declaring many acts to be treasonable. Our Constitution

QUESTIONS.—What are the District Courts? What jurisdiction have the Circuit Courts? Who presides over the Circuit Courts? What jurisdiction have District Judges? What is said of trial by jury?—what of indictment by grand jury? What juries do the United States Courts have? How is treason defined in the Constitution?

explicitly defines it in one simple sentence. The reason why this is so easily defined with us, is, that popular governments, where majorities rule, are not easily endangered by conspiracies. Every sane man is able to defend himself against himself. So a people, participating in equal rights and privileges, can afford to treat with contempt or mildly punish acts that a despotism must fear. The sovereignty is with the people; only the people can destroy it. During the past six years, we have seen that one-third of the States attempted to secede from this Union, and as they endeavored to accomplish it by making war against the United States, their act in so doing cannot avoid the legal construction of having been treason against the United States. The benignity of our Government and the little fear felt of its destruction is proved by the fact that even the leading officers of the rebellion have not been punished as traitors.

THE STATES WITH EACH OTHER.

By the Constitution: "Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State," and Congress was empowered to carry that provision into effect, by which means the obligation of contracts is preserved unimpaired by removal from one State to another, and judicial proceedings in one State are a basis for actions in another State. A certified copy of judicial records are received as evidence by the courts of any State of the facts therein stated.

Any citizen removing from one State to another may be required to complete a period of residence before acquiring the elective franchise, but in every other respect the Constitu-

QUESTIONS.—How do other nations construe treason? Why do we fear it so little? What have we seen during the last six years? Was that treason? What is the result, and what does it prove? What does the Constitution say of the public acts, records and judicial proceedings of every State? How does that affect the obligation of contracts? What privileges has a citizen removing to another State?

tion secures him all the rights of the State to which he emigrates.

Fugitives from justice must be delivered by the executive of any State where they may be found, upon demand of the executive of the State where the crime was committed. A provision like this is so essential that by treaty stipulations with some foreign powers, it is secured that perpetrators of crime cannot easily find a safe asylum in the civilized world. Of course it is still more necessary between the States.

It was also provided originally, that "persons held to labor or service" should be "given up on claim of the party to whom such labor or service is due," the principal intent of which was to secure the rendition of fugitive slaves; but as slavery has been abolished of late, it can apply to but few cases liable to arise under State laws.

Congress has the control of the national domain, which has increased very much since the formation of the Constitution. It can admit new States, but cannot change the limits of the older States without their consent.

The United States guarantees to every State a Republican form of Government: is also bound to protect each from invasion and against domestic violence, when the Executive or Legislature thereof make application. These three provisions show that nationality and unity was not to be a mere thing of words and phrases, but that those who founded the Government intended to establish republicanism in perpetuity, and to insure to every part protection, not only from "invasion from abroad," but against "domestic violence."

MISCELLANEOUS PROVISION.

Article V., of the Constitution, provides the manner of its

QUESTIONS.—What is said concerning fugitives from justice? What is said concerning persons held to labor or service? Who has control of the national domain? How are new States admitted? How can the limits of old States be changed? What form of government does the United States guarantee to each State?—what amount of protection? What do these provisions show?

amendment. A proviso was attached to the effect that no amendment should prohibit the slave trade within the time specified, and that "no State, without its consent, should be deprived of equal suffrage in the Senate," which last clause is to be perpetual. Other amendments may be proposed by two-thirds of both Houses of Congress, or, on the application of the Legislatures of two-thirds of the States, Congress can call a Constitutional Convention; but in either case the articles proposed must be ratified by the Legislatures of three-fourths of the States, or by Conventions of that number of States, as Congress may propose, when they become "valid to all intents and purposes as part of this Constitution." Several amendments have thus been adopted which have gone into effect. They will soon come under our notice, and while most of them offer but constructions of the main instrument, and none of them work any material change in its policy, the circumstances that have accompanied the adoption of the last, offer a most interesting study to the student of history and political science.

The closing articles of the Constitution establish that instrument, and the laws and treaties made in pursuance thereof, as the supreme law of the land, binding State judges, and superior to the Constitution and laws of any State.

It is required that all Government officers shall be bound by oath to support the Constitution, but no religious test is permitted.

It finally provides that the ratification of nine States "shall be sufficient between the States so ratifying the same" to cement their union, and this memorable instrument closes. Its brevity is often remarked, but its comprehensiveness is

QUESTIONS.—What restrictions were made as to amending the Constitution? How may amendments be proposed?—how adopted? Have any been adopted? Do they work material change in the Government? What constitute the supreme law of the land? What is required of all public officers? Is any religious test permitted? How many States were required to ratify the Constitution to cement their Union?

even more remarkable. The different constructions placed on some important points have been the cause of much agitation; but they who framed it did not anticipate, great as was their expectation of the nation's future, that its career would be so grand, and involve so many considerations. They could not, if they had desired, have rendered it plain enough and broad enough to prevent the misconstruction of designing men, or to leave no question for posterity to hinge doubts upon. Our territory has more than doubled; our population has increased ten-fold, and the wonder is that its principles are potent to protect us still.

AMENDMENTS TO THE CONSTITUTION.

The first amendment guarantees free religious privileges, the right of free speech, freedom of the press, and the right "to peaceably assemble and petition the government for a redress of grievances."

The second asserts the right of the people to bear arms.

The third provides that soldiers shall not be quartered in time of peace on private individuals.

The fourth secures the persons and property of citizens against "unreasonable searches and seizures."

The fifth prescribes that trials of criminal cases, of an infamous character, shall only occur on "presentment or indictment of a grand jury," excepting in cases connected with the military or naval service in time of war or public danger: that no man shall be tried twice for the same offence or be compelled to bear witness against himself; that no person shall "be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation."

The sixth insures fair and impartial trial by jury.

QUESTIONS.—What is remarked of the Constitution? What have different constructions upon it caused? Could its framers have anticipated or prevented that result? What is said of the first amendment?—of the second?—of the third?—of the fourth?—of the fifth?—of the sixth?

The seventh provides, that in suits involving over twenty dollars "the right of trial by jury shall be preserved," and that "no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law."

The eighth prohibits excessive bail or fines, and cruel and unusual punishments.

The ninth is an indefinite assertion that the enumeration of certain rights in the Constitution "shall not be construed to deny or disparage others retained by the people."

The tenth recites that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The eleventh is : "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."

The most of these may be considered as additions to the Constitution, adapted to satisfy those who thought that instrument incomplete without a bill of rights, to make their common law rights more secure.

The twelfth amendment changes the manner of electing the President and Vice President, as we explained when treating of that topic.

THE ABOLITION OF SLAVERY.

Article thirteenth of the amendments to the Constitution is as follows :

"SECTION 1. Neither slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

QUESTIONS.—What is said of the seventh amendment?—of the eighth?—of the ninth?—of the tenth?—of the eleventh? How may these be considered? What does the twelfth amendment effect? Recite the thirteenth amendment?

“SEC. 2. Congress shall have power to enforce this article by appropriate legislation.”

The proceedings of the Constitutional Convention show that the question of slavery offered the great obstacle to the formation of that instrument. The continuance of the slave trade for twenty years was accepted as a compromise measure. That trade has since been declared piracy by the great maritime powers, but interest then predominated in the extreme sections to secure its continuance. It is only just to state that the sentiment of civilization had not then denounced it, but it since then unites to pronounce the traffic infamous. While the extreme south needed labor, and asked the continuance of the slave trade as a means to secure it, we also know that northern capital was invested in the business, and that northern vessels generally supplied the demand, and to this union of interest compromise was due.

Slavery was not named in, but was still permitted by, the Constitution, and is first expressly alluded to in the article effecting its abolition. The “persons held to service and labor,” whose rendition is here provided for in article four, section two, were slaves. “The migration or importation of persons” which should not be prohibited before 1808, was in plain words the slave trade with the African coast. The ingenious wording of the articles alluded to, shows the morbid feeling, concerning slavery, that prevailed in the Convention, for the plainest possible debate resulted in a compromise that is couched in such ambiguous phrase.

By an inconsistency of circumstances most remarkable, a great free nation was born with slavery incorporated among

QUESTIONS.—What institution was the great obstacle to forming the Constitution? What compromise was made concerning the slave trade? What has been the action of the maritime powers concerning the slave trade? What secured its continuance? What was the sentiment of civilization then concerning it?—what since? What was the position of the sections? What was said in relation to slavery in the Constitution, and how was it alluded to? What remarkable circumstance is alluded to here?

its institutions. It was partially forced on the colonists by the avarice of a King, who insisted that the slave trade should continue because he derived an income by levying a duty on the traffic. The circumstances of climate made the Negro at home in Georgia and the Carolinas, while the need of labor, and the difficulty of securing such as could withstand the climate, made him seem invaluable. Against the prevailing sentiment of the Southern statesmen of the Revolution, slavery has grown powerful, because natural causes made Southern prosperity seem to depend upon it, while at the North a more temperate climate and immigration from the old world made the sluggish movements of a slave comparatively worthless. So the people of the Southern States were born with slavery as a heritage, and the institution that the world was beginning to abhor, was to them a domestic fact, sometimes aggravated by abuses, and often attended with humane and benevolent characteristics. As new territory was acquired, slavery claimed the right of being extended, and in time spread far beyond the original limits. Its claims occasioned remonstrance, and the North, in which slavery had become profitless and had died out, asserted that freedom was national and slavery sectional. The words of the Constitution have been quoted to sustain the arguments of all sides. Congress became the theater of excited debate, and every State a political arena, where the question of slavery and its extension occupied almost exclusive place. Looking back upon the past, we see that the effect has been to develope sectional animosity and political strife. The results of 1860 were in favor of the free soil sentiment. The election of President Lincoln and a Congress to sustain him, showed that the extension of slavery

QUESTIONS.—Who forced the slave trade on the Colonies? What circumstances favored slavery at the South? What made slavery worthless at the North? How did the acquisition of new territory affect slavery? How was the extension of slavery viewed at the North? How was the Constitution quoted? What was the effect on Congress and the States? What was the result of the political contest of 1860?

had an end. During all these years political antagonism had been producing bitterness, and the leaders of the South drew their people after them, until secession was attempted, and rebellion and civil war became the inevitable consequences.

It is the fashion of political and sensational writers to applaud by favor and condemn with prejudice, but it becomes the historian only to recite facts and leave conclusions to be formed by intelligent minds. It is sad to have to recount the lamentable story of civil war; but the occasion is past, and the fact remains that the Union is preserved, and the nation has grown great among the greatest, while it has been involved in civil war, with its existence at stake. As a consequence of late events, slavery ceases to exist, and without slavery there remains no great disturbing cause to rend the land with deadly differences. It delayed the accomplishment of the Federal Union; it has divided the nation by a geographical line for half a century; it has been seen at the ballot-box and heard at the hustings, until its domain was more extensive than the original Union. But it exists no longer, and as soon as national harmony has secured again a hold upon every State, we may hope that a reconstructed Union will still maintain the principles of the Constitution and flourish under it forever.

THE PENDING AMENDMENT.

The thirty-ninth Congress has proposed the following amendment, which is now pending, and which, if ratified by the requisite number of States, will be known as Article XIV., of the amendments to the Constitution of the United States :

QUESTIONS.—What was the result of political antagonism? What was attempted at the South, and what was the consequence? What is the proper sphere of the historian? What is the present position of our country? What has been the result of late events? What has been the relation of slavery to the nation? What may be expected from its abolition? What Congress proposed the amendment called Article XIV. of the Amendments to the Constitution?

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the whole number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.*

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the

QUESTIONS.—What is the wording of section 1 of that article?—of section 2?—of section 3?

enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States or any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

At the close of the civil war, in 1867, Congress devoted its deliberations to the development of a policy of reconstruction, by which the States which had attempted secession, and had, under the name of the Confederate States of North America, waged war upon the General Government, might resume their relations as members of the Federal Union and be represented in Congress.

Many different views had been taken of the question of secession. Some expressed the opinion that States could not loose themselves from the federal tie or forfeit their position in the Union. Others claimed that the offending States had forfeited their privileges under the compact and were reduced to a territorial dependence. The question of reconstruction was the exciting cause of the political feeling of the country, and it merely remains with us to add that the foregoing amendment is now offered as the basis of the re-admission of those States to representation in Congress. Five military divisions cover the States now unrepresented. State govern-

QUESTIONS.—What is the wording of section 4?—of section 5? At the close of the civil war, what work devolved upon Congress? What were the views taken of the States that had attempted secession? What was the intention of the foregoing amendment? How are those States now governed?

ments continue under this military organization, and the present aspect of affairs is, that the lately seceding States will ultimately accept the situation, ratify the fourteenth amendment, and be admitted to an equal share in the Government.

The effect of this article, briefly stated, is as follows: Citizenship extends to "all persons born or naturalized in the United States," and the freedmen are protected in all respects as other citizens.

Representation is apportioned in proportion to population. The three-fifths enumeration of slaves ceases with slavery, but a proviso is added, to the effect that any class of citizens excluded from the polls are to be omitted from the enumeration. If Negroes are not permitted to vote in any State of the Union, neither are they counted in the enumeration for ascertaining the representation to which that State is entitled.

By section three, those persons who had taken an oath to support the Constitution of the United States, and afterwards engaged in rebellion, are excluded from holding official positions, though such disability may be removed by a two-thirds vote of each House of Congress.

Section four establish the validity of the national debt, and forbids the United States or any State to assume the debts incurred by the rebellion.

QUESTIONS.—What is the general effect of the proposed amendment?—how does it affect the freedmen? How is representation governed? Who are disqualified from holding office by it? How does it affect the national debt? How does it affect the rebel war debt?

A TREATISE ON POLITICAL ECONOMY.

WRITTEN FOR THIS WORK.

INTRODUCTION.

The word Economy is derived from the Greek language, and relates to household government, including the idea of financial management and disposition of labor—not that of moral control or of discipline. A well regulated economy, in individuals, tends to secure wealth. It is not mere frugality, much less is it parsimony, but is the exercise of judgment to secure the best result from the investment of money, the management of property or the disposition of labor.

A well regulated economy is essential to secure national wealth and prosperity, as well as individual. The field is broader, the effects produced are not to be computed by ordinary calculations, and the subject deserves, as it has received, the consideration of statesmen and philosophers.

This subject is known as POLITICAL ECONOMY, and it may be briefly defined, as the science which treats of the nature and

QUESTIONS.—From what is the word Economy derived, and what is its meaning? What is the tendency of economy in individuals?—what is said of its meaning? What said of national economy?

causes of wealth; which involves the equal rights of all; which, in practice, develops the resources of all classes and all sections, and directs all in harmonious union, to aid in achieving the common good. National prosperity depends upon the well-being of the masses, and political economy becomes a science when it develops a philosophy that secures the greatest good to the greatest number.

Man, moved by self-interest, ever seeks ways and means of securing and increasing wealth. In most cases he assiduously pursues objects of private interest, apparently insensible of the fact that the prosperity of individuals and of the community is intimately allied. The policy of the government guards the public welfare, defends the treasury, encourages enterprise and fosters all the sources of prosperity. With us the people are the sovereign power—to their arbitrament all, issues are left, and therefore it is most essential that the people shall have clear, concise views of public policy, and be qualified, by the study and comprehension of the philosophy of public economy, to undertake their share of government with confidence, and correct the errors of its administration with vigor. It may be less the case with a people who have less privileges—where despotic power assumes to know and exercise all the functions of government, and to understand the interests it controls. It may not be so essential, even, in representative monarchies—where so much income or so much right of property vests the right of suffrage—that the non-represented class shall study political science. Statistics in England show that the common working classes there have not sufficient food—and cannot earn sufficient food—to secure to themselves and their offspring healthy physical organization, and as a consequence the race of English people is sure

QUESTIONS.—How is political economy defined? Upon what does national prosperity depend? How does self-interest affect man? What does the policy of government aim at? Why should the people understand public policy? What comparison is given of the people of different governments?

to deteriorate, unless the evil is abated. With us, where manhood, not wealth, qualifies for suffrage, an intelligent knowledge of political science is necessary, that a national policy may be pursued by which the people may secure plenty and prosperity to every class, and the wolf be kept from the door of the poorest laborer. The necessity of such information is most apparent when we consider that the youthful student of to-day will, in a few years, become the man of action, upon whose intelligence and firmness future prosperity will depend. In a country where the highest positions are open to reward laudable ambition, and every man may aspire to them, an intimate understanding of public policy is most important.

This treatise is intended to plainly set forth such facts as the public should have readily at hand, for the subject, though often made abstruse, can be as readily shown in simple language, and rendered as easy of comprehension as any other.

THE NATURE OF WEALTH.

Wealth consists of those objects which satisfy the needs and gratify the desires of man, and are exchangeable for the articles in common use, necessary to alleviate his wants or please his tastes. These exchangeable objects consist of the commodities essential to life and comfort. A man's wealth is in proportion to the value of the things which he possesses. To create objects which have any utility, is to create wealth, as utility is the ground-work of value. Many necessary objects, such as air, light, water and fire, are possessed in abundance by all; but, while possessing great value, these objects do not constitute wealth in individuals. Yet value can spring from adaptation of such natural objects to especial

QUESTIONS.—What do the statistics of England show? Why is the necessity of information apparent with us? What is the intent of this treatise? Of what does wealth consist? What do the exchangeable commodities consist of? How is wealth created? What objects of value cannot become individual wealth?

uses, and wealth may be the product of such use. Wind and water mills are constructed to assist labor—fire is used to create power.

The soil is one great means of wealth, and from it, in one form or another, all produce is derived, as we could not exist without vegetable production; but the soil is not the great source of wealth, as has been claimed by some writers. Labor is the great force by which wealth is created. Only for labor, the soil would produce a wilderness and the earth would withhold its products, except as they would naturally grow and exist in a wilderness. Labor is the source, not only of wealth, but of that promoter of wealth—civilization. Labor trains the human mind to power, and the action of mind directs labor so that it shapes and uses the crude things of earth to create wealth, and civilization follows.

The creation of value can be understood by considering the uses of iron. It is almost valueless when in the mine. The ore acquires value when extracted from the earth, and that value increases as labor is expended upon it. First, the molten iron is run into masses convenient to handle; then it is, by means of labor, prepared for different uses. The commonest understanding of those uses will show to every reader how, in each successive effort of labor, it acquires value by being skilfully fashioned, varying from an iron bar, worth a few cents a pound, to the watch spring, where the value of iron used is small, but the expenditure of labor gives a value almost fabulous, in comparison with the cost of the crude metal.

Labor may, therefore, be considered as establishing the cost and regulating the exchangeable value of all commodities. The money paid for the labor of production constitutes the basis of commercial transactions, but the current price of an

QUESTIONS.—Why not? How can they be made to produce wealth? What is said of the soil? What is said of labor as the creator of wealth? What would the soil be without labor? How does it affect civilization?—how affect mind to aid civilization? How can the creation of value be understood?—state the illustration given? What establishes the value, etc., of commodities?

article may be, by circumstances, reduced below cost, or increased to an enormous profit. An unusual demand may occur to cause the increase of value, or an over-abundant supply may exist to cause a decrease of value. As if flour was needed in a community, and vessels coming with a supply should be wrecked, which would naturally cause the supply on hand to be rated at a higher value; or the supply of flour might be abundant, and the arrival of large cargoes of that article cause an over-supply, when those who wanted to realize money upon their stock on hand would have to lose in price, by forcing sales when the market was over-stocked. These fluctuations of price seldom occur, and are soon corrected by the natural tendencies of trade.

We have seen that labor produces wealth. Production is constantly going on. Some products spring from nature, and labor merely protects the growth and gathers the fruit, while many articles are, as to value, the entire products of labor, which forms and fashions the comparatively worthless ore until it attains utility and commands value. "There is no excellence without labor," has become an maxim, and we may safely consider it as the most reliable means in the production of wealth.

LABOR AS PRODUCER OF WEALTH.

By means of labor, man extracts from the earth that which it holds in keeping for him as a reward for industry, but which, in a state of nature, it would not produce. Nature might furnish a scanty subsistence for a limited number, but at the demand of labor it yields abundant supplies for a dense population, and offers also the means of gratification for cultivated tastes. Therefore, the different classes of industry

QUESTIONS.—From what causes can prices fluctuate?—give the example in full? Do such fluctuations often occur, and are they permanent? What is said of production, and how is it attained?—give the example in full? How does man extract what he desires from the earth? What would nature furnish without labor?—what at the demand of labor?

become the study of the political economist, and invite our attention.

There are three primary sources of wealth created by human industry, each of which is essential to realize from labor the production of wealth. They are found in agriculture, manufactures and commerce, which claim to be the potent principles of national greatness.

The agriculturist avails himself of the powerful agency of nature, to produce, sometimes an hundred fold, from the seed committed to her faithful care. He uses, as nature seems to direct, the agencies that surround him, and secures by his labor food for the whole community.

The manufacturer directly fashions from wood, iron or fibre, the many articles man has learned to consider as essential to his comfort. In response to the genius of invention, he calls to his aid the commonest materials of the surrounding world, and frames from such matter, objects as well of great utility as of exquisite form and beauty.

Commerce conveys the products alike of the husbandman and the mechanic where they are needed, exchanging the productions of different climes, and bringing into friendly relations and intimate acquaintance even the most distant nations. The field of commercial operations extends to the warehouse, the wharf and the ocean ; it builds iron highways upon the land, and directs the course of innumerable ships that seek every sea. It affords as busy a field for labor as the farm or the work-shop, and has even greater rewards.

Commerce is a producer of wealth, because it transfers the products of agriculture and manufactures from the hands of the producers, where they have a certain value, to the hands of the consumers, where they have a greater value. This in-

QUESTIONS.—What are the three primary sources of wealth? What does the agriculturist avail himself of? What is the nature of the work of the manufacturer? What is said of commerce? What is said of the field of commerce and its operations? Why is commerce a producer of wealth?

crease of value gives commerce a profit which results in wealth. The products of a manufacturer may thus be merely transferred to the consumers in the same town, or they may be conveyed to distant ports across the ocean. Commerce regulates trade, and is the mainspring that stimulates the enterprise of all productive labor.

Agriculture, manufactures and commerce are the sources of wealth to every nation. There is mutual dependence existing to insure harmony of action, and it is a false theory which would advance the pursuit of one as more honorable or useful than the other. From the nature of things, the prosperity of one branch is dependent upon the same circumstances that control the others.

The success of labor depends upon the formation of a right theory, originating in mental application and perfected by experiment, and the reduction of that theory to a practical use. In every department of labor, science discovers a theory which experiment perfects, and which experience reduces to practice, so that there may be said to be three classes of laborers—the men of science, who investigate and discover natural laws; the inventors who apply these laws, when discovered, to practical uses, and the operatives who construct the article inventors have planned, consonant with the teachings of philosophy.

Professional men are not altogether unproductive in their labors. Statesmen make laws, public officers execute them, and so the Government is sustained, which secures the rights of all, and insures the safety of wealth. The lawyer aids the aggrieved citizen in securing justice, and relieves him from the necessity of devoting his own time to unproductive efforts. The physician essays to relieve bodily ills, and to restore his

QUESTIONS.—What is said of the dependence of the three primary sources of wealth upon each other? Upon what does the success of labor depend? How does science assist labor? How many classes of laborers are alluded to? What is said of professional men?—what of lawyers?

patient to the scene of his labors, while the minister of religion seeks to promote virtue, and offers remonstrance to vice, and by so doing becomes in the highest sense a conservator of the real interests which secure success to labor.

If "there is no excellence without labor," then the drone in the political hive, who devours the product of labor, without rendering labor in return, cannot be considered as in any sense worthy of respect. The field of labor is large, and the use of mind may compensate for the lack of physical effort. True political science is calculated to open the way for every individual to select the theater of labor for which nature has intended him.

CAPITAL.

If we could imagine all mankind as destitute of implements of labor, with no dwellings erected and no fields in cultivation, no supply of food, or of those many articles provided that the world considers necessary for its comfort and convenience, and no means existing of immediately supplying its wants, it would fill the idea of its condition to say that it was destitute of capital.

True, in such a condition, the creation of capital is possible. The earth will stand ready to do man's service, for from its abundant supplies he can frame dwellings, and her fields can be parceled out and reduced to cultivation, all the agents man has brought into action can be brought into action again, but no capital will exist in the case stated, because capital is not an abnormal fact, but a reduction of fact from science and philosophy, to meet the uses and requirements of man.

Capital, to use the simplest terms possible, is made up of all the means and facilities man possesses that can be brought to bear to assist his endeavors. A most interesting and im-

QUESTIONS.—What of physicians?—the minister? What is said of the excellence of labor, and with reference to unproducing persons? In what case would the world be destitute of capital? Would the creation of capital be possible? Why would it not exist then?

portant chapter of the science of political economy treats of the nature of capital, and of the mutual dependence of capital and labor upon each other.

Capital may be said to spring from labor, and when attained in sufficient amount, in its turn it facilitates labor by assisting to develop the enterprises in the pursuit of which labor becomes skilled and attains excellence. Labor alone is not valuable, it must have materials to labor with and upon. The rude tools with which man first tilled the earth became his earliest capital, which increased as he reduced the soil to cultivation and added to his means of wealth; as he tamed the beasts of the field and became possessed of flocks and herds; as he built dwellings and enclosures to protect himself and his fields and flocks from danger; as he discovered wants and invented means for satisfying them. Even the excellence of labor man attains becomes his most valuable capital, though uncertain with the tenure of life, but the labor with which he acquires it is repaid by the additional remuneration it secures him.

So, from the earliest days of man until now, capital has been gradually increasing with the increase of civilization, until its use has developed many resources undreamed of a century since. It has added to the power of labor to excel, as well as given it means of transportation for its products to the furthestmost parts of the earth.

The farmer invests capital in implements as well as fields; it fills his barn as well as builds it; cultivates his fields as well as pays for them, and it exists as well in his live stock as in his account at bank.

The manufacturer employs capital in purchasing patent rights as well as in constructing patented wares. He builds

QUESTIONS.—What simple definition is given of capital? Whence does capital spring? How does it in turn assist labor? Is labor valuable without material? What constituted man's first capital? How did it increase? How is excellence of labor capital, and how is it repaid? How has capital increased? What has been the result? How does the farmer employ capital?

factories and purchases material to manufacture; he constructs fabrics and sends them in search of a market, so that he frequently needs an immense capital, or will be financially ruined.

Commerce takes all the products of capital and labor and expends capital and labor in finding a market for them. Commerce wields the pen to order the products it can dispose of, and with a dash of the pen returns a consideration for them. Capital exerts the influence upon labor that civilization does upon mind. It elevates and refines its products, and produces wonderful results. The steam engine, the magnetic telegraph, the power loom, the cotton-gin, came because capital bid labor invent.

Capital is called productive when its active use brings a reproduction of itself. Unproductive capital consists of barren lands or hoarded money, and any property that remains unused, earning no income for its possessors. Fixed capital is such as remains permanently invested, as lands and buildings, warehouses and machinery.

Circulating capital, in contradistinction again, is means invested which is changed in the business of reproduction. It includes the means used by the farmer for the purchase of supplies of all sorts and payment of labor; by the manufacturer for purchasing materials for use and to pay his hands; by the merchant in a trade that is continually changing.

The proportion and amount employed of these varieties of capital are governed by the same laws that regulate trade in general. The one necessitates the other, and all combine to make a total that supplies the necessities of man. The employment of fixed capital is considered in any country a certain indication of its permanent prosperity and advancement.

QUESTIONS.—How does the manufacturer employ capital? How the manufacturer?—how does commerce? What is said of the influence of commerce? When is capital reproductive? What is unproductive capital?—what does it include? What governs the proportions of the different kinds of capital employed? How is the employment of fixed capital considered to affect a country?

Circulating capital may penetrate new settlements without adding to their permanent improvement and value, as is the case in new mining districts on the Pacific coast, where capital is invested for the purpose of supplying the wants of miners. It may very successfully reproduce itself from the product of the mines, without being induced to seek permanent investment in buildings or warehouses as fixed capital.

THE USE OF CAPITAL IN PRODUCTION.

Having briefly attempted to convey an idea of the nature of capital, it remains to explain its use in facilitating production.

The first element of wealth is found in the natural agents existing upon the earth; the soil can be prepared for cultivation; the forests can be reduced to use in a thousand forms; the animal creation can be subdued and domesticated to supply man's various needs; the mineral resources of the earth await development; the free natural agencies of air, water and fire can be made to subserve man's purposes, and without these waiting and willing agencies, labor is profitless and even impossible.

While wealth is inert in natural objects, it can only be produced by labor, which is the lever used to give the natural objects value, by moving them, as in the case of stones which obstruct the highway, where they are obstacles to progress, to some other point, where they become a foundation for permanent structure. So labor is the great producer of wealth, which resolves natural agents into a multitude of productions that become objects of use and attain value and constitute wealth.

While labor is the principle of action without which wealth

QUESTIONS.—What illustration is given of the employment of circulating capital without permanent results? What is the first element of wealth? What illustration is given as to the soil?—the forests?—the animal creation?—the mineral resources and natural agencies? Where does inert wealth exist, and how can it be produced? Illustrate the operation of labor as here given.

cannot result from the existence of natural agents, capital controls and directs labor. Viewing labor, as above stated, as a lever, capital acts as the motor which uses the lever and enables it to produce wonderful results. The reader must remember that capital, as we use it, signifies all the accessories by which labor is assisted and made available.

The use of capital directs and employs labor in a great variety of ways. Its use in one State or country, determines, frequently, the labor done in another. The building of a railroad through Oregon, for instance, involves a large expenditure of capital and stimulates a vast amount of labor. In the absence of sufficient labor in that State it may come from abroad, even from the shores of Asia, to prepare a track for the road. It stimulates many branches of labor at home, for food must be raised and imported to support the increased population. The forests of the country are laid under contribution to assist the enterprise, and skilled mechanics employed in working wood and iron to forward the undertaking. It might result in opening iron mines in that State and the erection of great rolling mills. Also machine shops might be erected there, which should supply locomotives and cars, as well as the thousand accessories incident to the construction of such a work, especially in a country but sparsely populated and partially developed. In such a country skilled labor would naturally be wanting to construct and conduct these works, and would be induced to come from abroad. It is most probable that in commencing such an enterprise, iron and enginery would be imported from other States, and the result would perhaps be to stimulate labor in English mines and in eastern workshops; and as the Pacific coast has commenced exporting breadstuffs to the Atlantic coast and England, the consequence would be that the building of a rail-

QUESTIONS.—What relation does capital bear to labor? What does capital mean as we use it here? What illustration is given, in case of a railroad in Oregon, of the operation of capital? Whence may the labor come to prepare the track? What labor may be encouraged there?—what elsewhere?

road in those States, would incidentally, by encouraging foreign labor, create a market for their own products.

The fact is, that the construction of the Central Pacific Railroad employs the labor and products of two hemispheres, encourages the agriculture, manufactures and commerce of the whole world, either directly or indirectly, and therefore affords one of the most complete examples possible of the uses of capital and its influence upon labor. The construction of such a road without capital would be an impossibility. The individual resources of a multitude of laborers would not complete it, because the nature of the work is such that it requires immense capital to carry it on. The individuals who labor for it are scattered over the whole earth, and a harmony of action could not be secured, neither would any inducement ever suffice to induce labor alone to commence such a work, much less to complete it. Capital conceives great enterprises; it weighs all the considerations involved, determines the probability of the production of wealth by such means, and when determined on, it executes the plan with vigor by the employment of labor.

We have chosen one of the largest and grandest fields for the use of capital as an illustration, but the uses of capital are as clearly demonstrated by the smallest operations of life. By employing a shoemaker to repair your shoes, you give his labor a reward, and in turn he rewards the tanner, and the many manufacturers who supply his tools, wax, pegs or thread, until in the ramifications of trade, the small amount you pay him is divided infinitesimally among laborers, artisans, landlords, traders and all sorts of producers, and aids in sustaining agriculturē, manufactures and commerce.

QUESTIONS.—How may it effect the sale of our own products? How does the construction of the Central Pacific Railroad affect labor? Can such a railroad be constructed without capital? Why not?—state in full. What conceives and perfects enterprises? How are its plans executed? Can the use of capital be shown in still more simple manner? Give the simpler illustration and its workings?

THE USE OF NATURAL AGENTS.

We have seen that labor must find, in natural agents, the material it works upon; that wealth is produced by the action of labor upon appropriate natural objects, and that capital exists to cultivate enterprise and give employment to labor—a motive power that uses labor as a lever to move the world.

The use of natural agents, as an addition to the power of man, becomes a subject worthy of much study, and we must at least touch upon it. These agents resolve themselves into *animate* and *inanimate*, and the productiveness of human industry is increased an hundred fold and more by their agency.

Animate objects are beasts of burthen, without which man would slowly till the soil by the mere exercise of his physical strength. By their aid he cultivates the earth, carries on his improvements, conveys his products to market, and brings back the supplies received in exchange. Every intelligent mind is so familiar with this subject, that it only needs to be introduced, to bring before every reader the remembrance of a multitude of instances, where animate agents of nature assist man, and add to his happiness and wealth.

Inanimate agents offer a more extensive range for thought, and, only within the present century, the variety of inanimate natural agents and the manner of their use, has become a wonderful proof of the value and need of scientific labor. The principal natural agents will be briefly reviewed and explained.

Water has always been a great assistance to man in in-

QUESTIONS.—What connection have we seen between labor and material agents? How does labor produce wealth? What is the effect of capital? By what terms are material agents designated? Do they increase production? What is said of animate objects?

creasing the products of his labor. It turns the machinery of vast manufactories. In ancient times, man pounded his food for bread with mortar and pestle made of rude stones, then he called in the uncertain wind to do his bidding, until, turning the water from its course, he commands, by its means, an unlimited stationary power. Within a week the writer of this has found, in his garden, a piece of what was once an Indian's mortar, and another piece, part of the pestle, with which he prepared his bread. The hum of a flouring mill filled the air, and looking from one to the other, a most effectual comparison was offered of what labor can accomplish with and without capital.

The wind obeys man's bidding to waft his ships across the seas, and, to a limited extent, it is still made a motive power to drive machinery.

Steam is the crowning result of man's efforts to gain power to aid the accomplishment of labor. The use of steam is too well known to need description, and the history of its invention, which has no place here, affords a most encouraging study for inventors to pursue.

Fire aids man when he controls it, and destroys when uncontrolled. It creates steam, melts iron and other metals, and no useful thing could be perfected without its agency. Fire has become a motor as well as steam, and though not so successfully used on a large scale, it answers a valuable purpose as applied to small engines. Fire gives us warmth in winter, and enables us to prepare food, and is one of the natural agents most indispensable to man.

Electricity has added to human power and given a wonderful impetus to civilization. The time is, that the world's commerce is connected, by the transmission of immediate intelligence, from continent to continent, across land and ocean.

QUESTIONS.—What is said of water as a natural agent?—of wind?—of steam?—of fire?—of electricity?

The time will soon be, when every land will hear from every continent the news of the day before the sun has set. The action of electricity as a producer of wealth is manifest, because commerce grows by the power of transmitting intelligence, and that power alone makes electricity a wonderful producer.

Science has aided labor in many ways, as by combining natural agents to produce gunpowder and other combustible and explosive substances, by means of which man can open ways through the earth, by blasting rocks, when the mere use of natural strength would be unavailing. By use of these inventions war becomes more terrible, and it is a question if the cause of peace is not advanced by the certainty of death and devastation with which war is waged.

The perfection of machinery is due to the discovery of natural agents and natural laws, and the adaptation of these laws and agents to practical ends. By understanding natural laws, man gained, at first, power in his own person, and could accomplish more than before. By putting into operation the screw, the lever or the wedge, he moved objects that before he could only have destroyed. So the laws of nature, when understood, lead man to perfect his inventive powers, and enable him to execute very difficult and seemingly impossible deeds.

The introduction of machinery has always been attended with opposition by many, who simply took the view that the increase of mechanical power tended to decrease the number of individuals who could find employment, and must result in leaving a large proportion of operatives without the means of supporting life. But the result has simply proved that the natural course of invention is to as much increase wants as

QUESTIONS.—How does electricity produce wealth? What is said of combustibles, as gunpowder? What produces perfection in machinery? By what means did man increase the effect of his own strength? How was the introduction of machinery met? What has been the result?

to increase the means of their satisfaction. By means of mechanical power, the cost of production is lessened, and mankind, of all classes, have the power of acquiring many articles, whose use was formerly confined to the few who had abundant means. As a result of increase of facilities for production, we have a greater variety of goods, manufactured at less price; and as a consequence of the increase of commerce, the productions of all lands are exchanged at reasonable price. The world possesses more intelligence, as another result, and the education of the masses keeps pace with the elevation of labor. The very process of constructing machinery now employs a great proportion of the skilled labor of the earth. Each invention of a labor-saving principle results in a creation of value, and becomes wealth. As a natural consequence of the possession of wealth, many are employed in ministering to the desires created by it.

It would be easy to recount many illustrations that prove the foregoing facts, and show how, under ordinary circumstances, the improvements in machinery tend to increase the uses of wealth, and the demand for labor; and that the progress of the age shows that a natural equilibrium is maintained, by which capital and labor are dependent on each other, and that prosperity is alone attained when success crowns each. True, there are times when this equilibrium is disturbed, but it is soon restored under healthy government.

DIVISION OF LABOR.

Under the primitive order of life, when the patriarchal system prevailed, man knew but few wants, and, as a consequence, possessed but moderate intelligence. Then, there was no such division of labor as at the present. The tent, the simple raiment, the lenten repast, were sufficient to sus-

QUESTIONS.—What is the consequence of increase of production?—of increase of commerce? How is education affected? How does construction of machinery affect skilled labor? How does invention, as a creator of value, affect labor? How are patriarchal times described?

tain life and answer the forms of primitive society. Society did not exist as with us. As wants increased, there came a division of labor; Cain tended the earth, Abel kept the flocks and herds, and from that simple and natural division of effort, there has ensued a division of labor, now become so perfect, that the construction of many single articles requires the divided labors of many persons.

Agriculture commands the labor of a great proportion of the inhabitants of earth. It was the first field of man's industry, and is the most important of all. Agriculture supports life, and is able, more nearly to supply man's needs than any other pursuit. Even in this occupation there is a great division of labor, as there are many products, and none can raise all; while there are also many conditions of labor required, to secure the success of efforts upon the farm. In manufactures, there are many and complicated divisions of labor, so that a watch, or gun, may require a multitude of processes before it can be completed, each by some competent hand, which has no knowledge of the others. All these are planned by perfect mechanical skill, and are known to some directing mind, which, from inanimate and apparently discordant parts, constructs a wonderfully consistent whole, that seems instinct with power, and is capable of being directed into well-regulated action. This short treatise is not able to follow out this interesting theme at length and show the minute divisions of mechanical labor, but this is the less to be regretted, for all who will read this have been, more or less, witnesses of its operation.

So of commerce—trade is divided into many avocations, including the merchant, the clerk, the warehouseman, and the multitude of men on land and sea, who prepare and

QUESTIONS.—As wants increased what followed? Give the example? What has ensued? What is said of agriculture? Is labor divided in that occupation, and how? Explain the division of labor in manufactures? What is said of division of labor in commerce?

guide the course of traffic and travel. The divisions of labor include not only the operatives who construct, but also the mind which plans. Science claims its laborers; philosophy must have its exponents; government must be carried on; law must be made, decided and enforced; the physician must study physiology and anatomy, and become conversant with human ills, that he may alleviate them; and the teacher of religion must study the principles he would inculcate. The division of labor is wonderful. The mind of man seeks out many inventions, and develops capacity, which shows that he is little lower than the angels. In pursuing knowledge, he creates wants, and the impulse of knowledge is to elevate him further above the animal, which supports life by instinct. With each well-directed grasp of the unknown, he acquires a more extended view of the human and the divine. As he learns he labors; as he labors he learns. He apportions his wants among mankind to secure their satisfaction; and the world, which, in early ages slumbered in comparative ignorance, by searching into nature has become instinct with mind. A division of labor has elevated man, until he possesses attributes he formerly attributed to the gods, and greater attributes than Roman or Grecian mythology could devise.

OF PROPERTY.

The subject heretofore under examination has merely involved the consideration of natural laws and natural results. Nature contains agents on which labor expends itself, while mind instigates labor to achieve production. Wealth is the natural result, and production when amassed becomes capital. Capital again becomes the promoter of industry, and philosophy delights to consider and develop the mutual dependence of natural causes to work out great effects. The deductions

QUESTIONS.—How does mind develop capacity? What is said of the pursuit of knowledge and its impulse? What is the result of the division of labor, as stated here? What view is given of the subject before considered?

we have arrived at are natural and simple, showing nothing optional or tyrannical on the part of man.

The division of labor is a natural consequence of the triumph of mind over matter. The division of property has been often the result of arbitrary power, and is in any case governed by the laws and customs of society. While these requirements of society are arbitrary as to the distribution of property, and man acquires or inherits in many cases what he did not earn, there are natural laws by which, as a consequence of his own acts, he forfeits possession and loses ownership, or gains possession and ownership of other property.

Property is wealth or capital, and the amount of a man's possessions make the sum of his property. It is the especial term used to signify ownership, and the sum of a man's property includes all his possessions.

Individual or private property originated in priority of occupancy or use. As wants arose, labor created property to satisfy them. The enclosure of land became occupancy and established ownership. The taming of animals gave a right of possession and use. When property increased, law became necessary for its protection, and life was risked in its defense. In the appropriation of the soil, might sometimes first constituted right, as the exercise of power fell to the most powerful, and power made arbitrary disposition of property. It is in this connection that the science of government becomes a part of political economy. The natural rights of man are summed up as the enjoyment of life, liberty and property. Property, once legally acquired, is as much his as life itself, unless legally forfeited. Therefore government is instituted and maintained. As private property increased, the science of government was developed, and protection became essen-

QUESTIONS.—From what does division of property often result? What in any case governs it? Give the definition of property? How did private property originate? Give the illustration as to the enclosure of lands—as to taming animals? What did increase of property necessitate? How did might distribute property? Why is government maintained?

tial for the encouragement of production. Despotie governments have a tendency to keep the poor in the same condition, while wealth receives encouragement. In such countries the lowest class is poor, indolent and ignorant. Intelligence, the stimulant of labor, is wanting. Peasant, serf or slave, if restrained from freedom of thought, cannot exercise cultivated labor, acquire refined wants or attain property, save of the most simple nature. The exercise of law in such countries protects property, even in the peasant, and by so doing secures the wealth of the rich from the violent attacks of the poor. Even in the freest government wealth is distributed most unevenly, though it is continually fluctuating and changing hands. In our own land, equal laws and equal privileges cannot insure equal distribution of wealth, for opportunities must be different, and the possession of natural intelligence and the acquirements of education are never the same.

There is a very great and marked difference between the advantages possessed by the people of Europe and the people of America. There, the land is principally owned by a favored class, and the poor possess it by sufferance; here, the national domain offers land even to the European, if he will claim and occupy it. There, power is confined to a privileged class, education reaches the few, a voice in public affairs is not given to the mass of the people; here, the highest places, and all places, are filled by the people; the masses select the public officers, and direct, by their will expressed in the ballot, the policy of government, while education is generally brought within reach of all.

We reflect with pride upon these facts, and see that our Government is intended to protect the rights of all, and has no favoritism in contemplation. The plow-boy may become

QUESTIONS.—How did the science of government develop? What is the tendency of despotism? Why is the laboring class poor there? How does law work there? How is wealth distributed in free governments? Can our laws insure equal wealth? Why not? State the difference of advantages with the people of Europe and with us. For what purpose is our Government intended?

a statesman ; the mechanic may live to attain the chief magistracy of State or Nation, and the wealth of the present generation is certain to be divided alike between those who are children of poverty or wealth in this. Industry and economy bring certain rewards with us. Our Government, if rightly conducted, will create no monopolies, though capital may so attain power as to obtain the control of certain fields of industry or of important enterprises, and endeavor to acquire great profits, but other capital can compete, and the equilibrium of trade and power be thus maintained. With us, capital and labor can seek any direction for their legitimate exercise. Every field of enterprise is open. Labor is directed by a free mind, and private property is acquired often with ease and rapidity, because invention is encouraged and protected.

We have considered property as existing in despotic and free governments ; where enterprise is hampered by ignorance in the masses, and where it is encouraged by the possession of equal rights and general education. There is still a view to take of labor governed by community of interest, and accompanied by equal division of property. In different lands, including our own, associations have been formed with a view to practice a division of labor and establish a common interest. Private property in those communities was merged in the general wealth, and the interest of individuals was identical with the interests of all.

Communism, Socialism, Fourierism, and many other projects, have contemplated social equality in some form or degree, and much calculation and philosophy has been devoted to the attempt to reduce these ideas to practical use, and thereby demonstrate the feasibility of such organization, and

QUESTIONS.—How is the case illustrated? What is said of monopolies? What are the privileges of capital and labor? Why is property often easily acquired? What other view is offered of labor? What has been attempted in different lands? What names are given of those attempted systems, and what is said of them?

even its necessity. There is no demonstration yet satisfactorily made by experience, to sustain the Communist philosophy. There arises in opposition to the success of any such system upon an enlarged scale, many natural objections, based on human character, which differ in conception of plan and in methods of execution. The different degrees of energy in individuals, the difference in tastes, habits, thought, ambition, and the distinctions arising from moral perceptions, all unite to render difficult of execution any scheme which contemplates subordination to one system and satisfaction with one result.

All communities unite to build public edifices and use them in common. Public property exists, ranging in character and degree from the National Capitol to tenements erected for the township poor. The public treasury erects magnificent monuments of art, and individual enterprise, from patriotic, benevolent, or other motives, may contribute freely to public undertakings; but the success of Communism has not established that mankind can surrender individual aims, or be educated to a purpose which shall accomplish that most desirable result, to enable man to forget alike the evils of poverty and riches, and surrender selfish considerations for a uniform common good. Such a system, if established, might restore in some degree the simplicity of patriarchal times, and involves the question if the right hand can forget its cunning and science abandon its high aims, as it would, if human ambition became content in that way to realize the best good of all.

OF WAGES.

The usual reward of labor is wages, which consist of any article received in exchange for services rendered.

QUESTIONS.—Has Communism been sustained by experience? What approving causes exist? In what do all communities unite? Give the examples? What has Communism failed to establish? What might the success of such a system restore? What question is involved? What is the usual reward of labor? What constitutes wages?

Only a few, in proportion to the number of mankind, have or acquire fixed incomes, independent of labor. Again: Only a small proportion of those who labor, command their own time and services in professional, literary, agricultural, mechanical or commercial pursuits. The majority of those competent to labor, render service for others which are paid for by the receipt of wages. The boy who runs errands for his board and clothes, renders but trifling service and receives trifling reward. The man who performs labor requiring strength but not skill, receives wages in proportion to the expenditure of strength. The artisan, whose skilled services are made use of, is paid wages which are in consideration as well of the labor spent in attaining skill as of its exercise. The merchant or professional man, who conducts an important commercial enterprise, or defends some valuable interest, is highly rewarded in proportion, as his experience and judgment have given his services greater value. The wages of public officers correspond with the importance of duties required, and the earning of honest wages is honorable in all cases, great or small, where efficient service is rendered.

As so large a proportion of mankind depend on wages for support, the question as to the necessity of suitable remuneration of labor, and means of attaining, as well as the causes that effect it, are a very proper study for the political economist. Wages depend much on the demand for and the supply of labor. Competition, at times, depresses its value, and the successful state of trade sometimes enhances it. The demand for any product may increase the manufacture, and the price of labor may rise in

QUESTIONS.—What is said of the possessors of fixed incomes?—of those who command their own time?—of the majority of those who labor? Give example of errand-boy?—of the common laborer?—of the artisan?—the merchant or professional man?—of public officers? What is said of the necessity of studying the principles that govern wages? On what do wages depend?

value, from the fact that a need of more than usual labor exists. So, in times when manufactures are depressed, labor competes for employment and becomes reduced in value.

So wages may rise to indicate an unnatural and unhealthy state of trade, as when speculation induces an unnecessary manufacture; or wages may fall to a point where the indication is that a stagnation of trade detracts from its value, as in case of over-supply arising from whatever cause, or in case of a scarcity that results from failure of crops impoverishing the land, or from a state of war preventing exportation, so that labor is unable to fill its usual sphere.

Capital supplies wages for labor, and it may be that capital for selfish ends refuses to employ labor at the usual rates, and, by remaining idle itself, strives to compel labor to accept reduced wages. In case of war, or any unusual excitement that turns labor into unusual channels, new fields for its exercise may open, while the supply of labor is diminished. This was the case during the late civil war, when, with a million men in the field, there arose a demand for materials of war, which more than compensated to the laborer in the end for the fact that other fields of labor were closed.

As a general principle, the demand for labor is in accordance with the amount of capital that can make use of it. Great excitements produce fluctuations which subside when the cause has ceased. It may be reasonably claimed that the most favorable relations exist for all, when a well

QUESTIONS.—What causes affect labor? Give the example of increase of demand;—of decrease of manufacture. What effect can speculation have?—stagnation of trade?—scarcity? What supplies wages? From what selfish ends may capital seek to depress labor? How may war or excitement affect labor? Give instance of late war? How do labor and capital accord? How do fluctuations arise and cease?

regulated system of trade insures a fair remuneration to the laborer; when the supply and demand keep pace with industry, and fair prices rule out speculation and sustain trade.

Under the proper division of labor, each of the three great fields of operation draws to itself the amount of force necessary to carry on its operations, and as each is dependent on the other, so success is mutually realized, and the same grade of labor commands usually the same amount of wages. The activity of capital is identical with the success of industry, and the rate of wages is never depressed when capital is abundant and actively employed.

A country thrives by a healthy and natural increase of population. Population thus increases when the laboring classes can readily sustain themselves, and the young can marry, confident of means to support their families. The true policy of a government is to foster and encourage industry, to make it honorable and profitable, and thus create public prosperity; therefore, the considerations which involve fair and sustaining wages, are those which true public policy must encourage. Our government parcels out the national domain, free of cost, to all who seek homes, which draws many from crowded marts and manufacturing districts to the lands so freely offered. These pursue agriculture, and create a demand for the mechanical productions, while they supply the toiling world with food. Commerce comes in to support both, by dispensing their products, and thus secures to the toiling millions wages for their hours of toil.

MEANS OF SUSTAINING WAGES.

Wages might be fixed by law at what might be deter-

QUESTIONS.—What may cause the most favorable relations? Are wages in the different fields of labor uniform? What is activity of capital identified with? What is said of increase of population as indicating thrift? When does population increase? What of the true policy of government? What does our Government do with public domain? What do settlers of new lands pursue?—with what result?

mined as the desirable point, but the interests of society oppose such a course. It would necessitate the fixing of prices upon all staple and ordinary products, and would conflict with the principles of trade and the laws of supply and demand.

It is a prevailing opinion that capital can and should employ labor, which would be very just if there were no fluctuations in trade; no recurring changes to compel capital to sometimes withdraw from the field as a measure of self-defence. There is mutual dependence between capital and labor, but, as a usual thing, capital can afford to lie idle in times of emergency and labor cannot. Labor may be said to constitute society, and it has helpless families dependent upon its exercise, so there is no time when wages can be dispensed with. How much is due from those who have capital to those who give it value by making it active, is a question which legislators would do well to ponder and discuss. It may be well claimed that capital is dependent, for without industry at its command it would lose value, while, by forfeiting the accessories of civilization, labor can still derive from nature a support. Capital has most to lose, and if it could be made to act as insurer of wages to honest labor, the greatest philanthropy would be attained, and the golden age of plenty appear.

The possibility of insuring reasonable wages to labor is not evident. The computed valuation of all the property in the United States, divided among the inhabitants would not enrich them, though it might give from three to five

QUESTIONS.—How does commerce aid labor? How could wages be regulated? Would it be for the interest of society? What would it necessitate? What opinion prevails? Would it be just? Can capital and labor afford to lie idle? What constitutes society, and what is dependent on labor? What is said of the obligation of capital to labor? What would a division of property effect in the United States?

hundred dollars to each individual. Were this distribution made, how long a time would the equality exist? The fact is that all are not capable of retaining property and controlling it, and soon the most capable and enterprising business men would acquire a preponderance of capital, and before many years the inequality would be restored.

There are many ways suggested for the alleviation of want by a guarantee of wages, but they cannot be especially referred to in the limits at our command. Government erects hospitals for the sick and asylums for the poor, to alleviate evils that are beyond natural remedy, and we have reason to hope that the advance of general education will, by elevating the character of man, reduce the evils of poverty, which too often flow from vice. With us, poverty more often results from ignorance, indolence and vice, than from a want of protection for the wages of labor.

PROTECTION OF INDUSTRY.

In our country, a large and influential party has maintained the necessity of protection of home industry, by the levy of duties on foreign goods by the General Government. The arguments used have been as follows: If the products of the pauper labor of Europe are permitted to find their way, free of duty, into our markets, the consequence will be that our own manufactured products will be undersold, our manufacturers be ruined, and thus operations cease. As a further consequence, labor will be unemployed, and we will be reduced merely to an agricultural community, dependent on other nations for all man-

QUESTIONS.—Would this equality continue? What course does Government pursue to protect those who are unable to labor? What do we hope from increase of education? How has protection of industry by duties been advocated? What arguments were used? Give the alternative?

ufactured goods, for which we would exchange the products of the soil. Another alternative would be, that our laboring population would be degraded to the pauperism of Europe, immigration from abroad cease, partially at least, for want of inducement, and in either case the nation be retarded in every material respect.

The advocates of free trade claim in answer that trade preserves its own equilibrium, that our products from the soil would have to be sent abroad to feed the men who labor for us there, and that in any case it is safe to let the natural course of events work out the fate of American industry. They also claim that protective duties increase the cost to the consumer, for the advantage of the manufacturer, and are unjust to the masses.

The answer of those who advocate protection is, that free competition at home, even when foreign goods are excluded, will soon produce a supply at the least possible profit; that the rate of wages will regulate the general prosperity; that prosperity will increase while we produce what we consume, and make all branches of industry join in rewarding labor; that foreign laborers will come hither to do our work, if we encourage manufactures in our midst.

We can only allude to the subject of protection, to give the results of experience, for by a system of tariff regulations, it has been demonstrated that customs on importations offer the easiest means of raising revenue, and that protection can be made incidental thereto.

Whenever manufactures have flourished and labor has

QUESTIONS.—What is claimed in answer? What is further claimed for protection? What has resulted? What has been the effect of thriving manufactories and well paid labor?

been rewarded, the country has been prosperous, and the amount of protection given has enabled every section of the land to erect manufactories, and call the labor of many States to assist our industry.

OF MONEY.

While all commodities are exchangeable, and the process of exchange is constantly carried on, it seldom occurs that exchanges are directly effected between the producers. Commerce, in most instances, steps in to effect exchanges, and while it supplies the wants of one class from the products of another, it does so by means of a contrivance, or established representative of value, called money, which it has invented as a substitute for direct exchange, and is transferred and received as an equivalent for the value assigned the article purchased or sold. Gold and silver being the most precious and indestructible of metals to be found in any abundance, and requiring great labor in the extraction from the ore, have become standards of value, and all nations have established coins of different values, by means of which any given sum named may be reached and transferred in case of the purchase of any article. Producers would find it difficult to sell many articles, as the values would be different, and the difference would remain unsettled. Money is thus a mere contrivance for the accommodation of commerce, by which it gives value or its representative to a producer or owner of a product to effect its purchase. Money is the basis for the estimate of all value, and we say that a man is worth ten thousand dollars, without giving any statement of his property, which signifies that his property if sold would sell for ten thousand

QUESTIONS.—Are exchanges generally effected between producers? On what are they effected? What contrivance is used? For what purpose was money invented? How is it used? What metals are standards of value? Why? How are coins established? What is the effect? Could productions be easily exchanged? What is stated of the use and effect of money? How is it used with us to describe the value of property?

dollars. The merchant uses money to purchase goods where they are lowest in price, conveys them where they command an increase of price, and sells for a difference which gives him profit. Money answers his ends to carry on all business, and the whole traffic of life is facilitated by its adoption and use.

Different nations have different coinage, but in each the same amount of gold and silver has the same, or nearly the same valuation. Before these metals were adopted, there were various objects accepted as legal tender by different nations. Furs passed in some, shells in others. Stamped leather has been used, and less costly metals than gold and silver, but these last remain the universal standard now.

Money is generally in constant circulation, and answers all the purposes of commerce, though the amount of actual money in existence falls far short of the actual property. You pay money to a farmer for grain, he the same day pays it to a merchant for goods, who sends it to the metropolis to meet his obligations, where it constantly assists business transactions by its use. Money might be more abundant than the natural uses of it require, as we will see if we suppose every man worth a million of dollars, when of course its value would be entirely lost, while commodities would still be exchanged without its mediation.

A cargo of grain passes on the ocean a cargo of merchandise, each going to the port whence the other came. The owners are unknown to each other and the transactions have no connection, but in the course of commerce the grain, when sold, assists to pay for the goods. The merchant who purchases the goods only in extraordinary cases ships the coin for them. Neither is the coin shipped

QUESTIONS.—How does the merchant use money? Are there different coinages? Is there a difference in the standards of value? What occurred before these metals were used? How does the amount of money accord with the amount of property? Give the illustration of money paid the farmer? Could it be over-abundant? What illustration is given of exchange of products across the ocean?

back for the sale of the grain, but by a process appropriately called "exchange," the owner of the grain deposits the proceeds of it in England, and gives to the merchant, who owes for English goods, an order on his English banker, receiving money in exchange in New York, and avoiding the shipment of money across the ocean. Bills of exchange are orders drawn by persons in one country or section of country upon persons in a different country, and this brings us to the fact that, while money is a contrivance to represent value, there are many ways in which written orders represent money, and written promises to pay are sometimes current in the place of money.

The small transactions of life are generally cancelled with money in its standard form, but the larger transactions, as a convenience to avoid handling larger amounts of the precious metals, are usually made by the use of writing, or some conveyance of value recorded on paper. In every legitimate business operation, there must be the proceeds of property sold, or a deposit of money in some convenient place that stands ready to redeem all these written obligations. This deposit may remain in some safe place for a year, and answer the purposes of commerce by being legally transferred to different owners by written bills; and the multitude of its changing owners may never have it in actual sight or possession, but with confidence in its existence and safety, may still circulate paper as its representation.

THE BANKING SYSTEM.

The business of the United States is mostly conducted

QUESTIONS.—Is coin or money exchanged between foreign countries for goods exchanged? By what process does commerce sometimes convey value for products exchanged? What are bills of exchange? How is money often represented? How are small transactions usually made? How in case of larger transactions?

through the agency of banks, so far as payments of money are concerned, and a few words on banking are necessary to an understanding of the uses of money. The National Banks now in existence have a circulation based on a deposit of government bonds with the treasurer of the United States, who issues them notes on such deposit. Banks are intended as depositories of money, and bankers make a business of receiving and keeping the surplus money of individuals, companies or corporations; they issue notes as before stated, loan money on good security, and buy and sell exchange in very large amounts.

A well regulated banking system is considered as an assistance to commerce, for a healthy issue of currency facilitates trade, and provides loans which accommodate the necessities of business men.

The business of exchange is an important branch of banking. The wheat shipped from Chicago to New York is often bought with the aid of the banker, who advances money to make the purchase, receiving as security bills of exchange as orders on the proceeds of the wheat when sold. When such sale is made, he draws the money again in favor of the merchant in Illinois, who wants to pay for goods purchased in New York, and then the banker has the money to loan on another shipment of wheat.

Foreign bankers have their agents in New York to carry on this business of exchange to the best advantage. Banking is a means for the operation of capital, and most of the movements of capital are made through the agency of banks. The amount of money represented in them is very large, while the actual amount of coin they retain on hand is in small proportion.

QUESTIONS.—Through what agency is business mostly conducted? How are the present National Banks organized? For what are banks instituted? What is said of a well regulated banking system? Give the case stated, illustrating exchange between New York and Chicago? Do foreign bankers do business in this country? Does banking give operation to capital?

The banking system is liable to much abuse, and we often hear of fraudulent operations, notwithstanding the restrictions of law and the restraints of society. When well conducted, as it generally is at present, it becomes a perfect arrangement to facilitate the exchange of values and to sustain commerce and give power to meet its vast designs.

The subject of banking has been much discussed during the existence of our government, and very many arguments are urged for and against a public banking policy. It is a question how much currency is needed to stimulate healthy trade, and if the presence of more than the needed amount is not injurious, as causing great speculation, to the detriment of industry and the ultimate disarrangement of all commercial operations.

The idea of a single great national bank has been abandoned, as inconsistent with republican policy. The one effort made to establish such an institution resulted in failure, and illustrated the danger of entrusting great financial matters to political control. The immense sums now coming into and disbursed from the national treasury, are handled without the aid of any such institution.

The national banking system now in existence throws all possible guards around the issue of currency, and never before was there so little successful counterfeiting and so safe a circulation. There is still much opposition felt to it, and government is urged to return to specie payment and end the existence of an irredeemable paper currency. Many prophesy coming convulsion as a consequence of so

QUESTIONS.—How does the amount of money in banks accord with the amount of coin on hand? What is said of abuse in banking?—of the system well regulated? Has it been much discussed and for what? What questions are involved? Is the idea of a great national bank entertained? Why not? Is the general banking system now in use successful? Is there opposition to it?

great a circulating representation of value, but it remains to be proved if too much currency is in use, and if the result will be ruin.

Should the country pass through the present epoch unscathed, and national and individual obligations be met, it will prove that a well regulated and guaranteed paper currency is an element of success.

CURRENCY AND CREDIT.

Currency represents money, and appears in the form of Government legal tender notes, based on the credit of the Government; bank notes sometimes secured by deposit of Government bonds, so that they also are based on Government credit, and bank notes based on such security as State laws exact. The National Banks have mostly superceded every other, and National Bank notes form the principal currency of the country at the present time. Bank checks are current when certified by the bank on which drawn, or among individuals well acquainted, though these have no general circulation. Bills of exchange drawn by responsible parties are currency, and answer a purpose identical with the transportation of money. Currency is sometimes based on a credit, as in case of banks that issued notes in excess of the actual money possessed, but issued for a consideration, so that the public remain confident of their value, knowing the sources of the bank to be in excess of its obligations.

Credit means some accommodation of trade, by which a large business may be done on a moderate capital, and it is always based on the possession of property, or a confidence in integrity or both. Credit is given upon security which may be a pledge of property, real or personal, as guarantee of payment, or the pledge of some person whose resources are considered sufficient, to guarantee that the amount will be paid when it is due.

QUESTIONS.—What is feared as a result of abundant currency? What will success of the present system prove? In what forms does currency appear? What of National Banks?—of bills of exchange? On what is currency sometimes based? What is credit? On what is it based?

This is a very important branch of the subject we consider, and it is capable of much illustration and argument. Commencing at a simple and plain view of it, we see at a glance that economy dictates to the farmer that he must pay as he goes, or that at least he must only ask credit in cases where he can certainly command definite results. He can afford to borrow tools to use, if he cannot buy them or make them before they are needed for use ; he can afford to borrow seed if he has neither money or seed ; he sometimes can afford to hire labor to pay after harvest, and buy the necessaries of life in reasonable amount, when he can repay from the products of the farm when realized. But he cannot afford to buy unnecessary tools, or seed that he cannot plant, hire labor he cannot use, or purchase goods that are not needed, because that would be an abuse of credit, and in the ordinary course of events he would soon be bankrupt, with more debts than assets.

The economy of the farm contains the principles that govern manufactures and commerce. The matter is resolved into what each can afford and what each cannot afford, and governs the action of capital, which, although it charges for credit, is not willing to permit its abuse ; which means that it will not permit what it loans to be used without exacting abundant security.

Security which would be abundant to insure a farmer the means to carry on his operations, would not answer to secure the larger wants of the manufacturer, for the farm remains a substantial property always, while the whole business of manufacture may prove a failure, and afford no security for even half its outlay. The experience and judgment of some offer security in part, for a man whose prudence is approved is not apt to venture beyond the dictates of judgment.

Commerce undertakes large operations based on credit in part, and capital supplies its wants with deference to the prop-

QUESTIONS.—Illustrate how the farmer may ask credit ? When can he not afford to ask it ? How is action of capital governed towards credit ? How does security differ ? How does commerce use credit ?

erty possessed as a basis of trade, and the prudence of the parties who seek aid.

The simple reasoning we used toward the farmer cannot be as easily applied to the wants of the merchant, though it suffices to govern every department of life. In the case of other occupations more judgment is required to determine what measure of credit can be safely asked and granted, and only those who are competent to determine this important question can apply credit successfully, and realize from an extension of business a certainty of reward. This important subject does not confine itself to the private affairs of life. It applies to national policy, and well considered, decides the question of currency, and determines the national expenditure. The question asked by every economist, as to every purchase is, "Will it prove worth the cost?" and when asking credit, that question is especially pertinent.

Currency is a credit issue, and stands to the world in place of money. By adoption it becomes money; and as its tendency is to increase credit somewhere, the necessity of legislation to regulate it is apparent. If Government encourages speculation by over-issue of currency, it may thereby involve the commercial world in wild operations that human cupidity invites man to attempt, and credit permits him to undertake.

The natural laws of trade are plain and simple; they are made complicated by unavoidable circumstances. The difficulty of effecting exchange of produce causes man to invent a fiction of value and call it money. Gold and silver suggested themselves as the most reliable standards of value, and represent value much as measures and weights represent quantity. The transportation and exchange of even these representatives of value became inconvenient, and the supply was not always equal to the wants of trade. So another fiction, currency, represents

QUESTIONS.—How does the case of the farmer apply to the merchant?—to national affairs? Define currency. What is its tendency? What may over-issue of currency effect? What is said of laws of trade? What caused the invention of money? What is said of standards of value? How did currency originate?

property, and becomes money, answering the requirements of commerce with the greatest possible facility. When property is pledged in good faith for its redemption, currency is called sound, and under these circumstances a bank note is as good as if accompanied by title deeds of a house of that value, and therefore equal in most emergencies to the amount of coin it represents. Coin never fluctuates as currency does, and if trade was well regulated and credit was abolished, or only given when secured by an offer of exchange capable of being immediately consummated, the probability is that production would be carried on in more regular, though fewer channels, and that labor would find employment at regular wages.

If we suppose that value is actually given on exchange of products, we reduce the world to a system of labor less various, but more certain. Capital would assume a position more permanent and commerce be more restricted. Enterprise would be checked for want of means and credit, and the question to be decided would be, would man be better off, in the abstract, if credit were abolished and production more limited but more certain, or does the impetus given to enterprise by credit compensate for the fluctuations of trade by extending to all the ability to sometimes achieve wealth by the aid of credit and the fictions credit has encouraged?

DISTRIBUTION.

We have shown that wealth is not equally possessed, that circumstances control its distribution, by inheritance, by acquisition, and by gift, and that man does not even possess equal facilities for obtaining it. We have learned that an equal distribution of the property owned in the United States would not confer wealth in excess upon the masses, and that, if equally distributed, it would soon again become concentrated in the possession of

QUESTIONS.—When is currency sound? Illustrate by bank note. What case is supposed where production and wages would be regular? What would result from actual exchange of products? What question would remain to be decided? Is wealth equally preserved? Would property remain equally distributed?

the class who are prepared by greater than ordinary enterprise or judgment to attain it.

We have seen that a division of labor is necessary to secure wealth, and it follows that some must fill one sphere and some another,—some must be actuated by ambition and others by moderate desires, so that, following the laws of nature, which provide that man must find his level as well as water, the time has not arrived when persons cannot be found to fill every sphere of action.

Vice and indolence are unnecessary. Raise man in the social scale, and evener distribution would result. There is no reason why the farmer should not acquire a high order of education; he cannot lose by it in attaining excellence of cultivation, and it is not possible that intelligence can unfit him for the most natural and noble occupation labor can seek. Even the man who earns his wages upon a farm, possesses, under ordinary circumstances, a more certain hold on competence, than one who obeys the uncertain commands of other spheres of labor.

Agriculture is the most certain and the most satisfying in its rewards, because the most independent. There are lost in the turmoil of large cities hundreds of thousands who would add to the national wealth, and to their own most essential happiness, if they would commence the pursuit of agriculture in the West, instead of remaining victims to the exactions of landlords and the fluctuations of trade. No man can consider himself above it, for the most distinguished men have been developed by it; none can be too ignorant or unworthy, for while its rewards are given in increased quantity to intelligent labor, they are never withheld from earnest effort.

Agriculture then invites man to certain competence. It

QUESTIONS.—Why is division of labor necessary? What is arrived at as a natural result? What are unnecessary? What will be the effect of social elevation? What is said of education in the case of the farmer?—of the farm laborer? Which is the most certain occupation? What is said of many in cities? Is any man above agriculture? Are any too ignorant? To what does agriculture invite man?

affords him opportunity to learn directly from nature, and the highest education is consistent with her teachings. Were there only such wants in existence as the direct products of the soil can supply, it is probable that the world would be happier, if not wiser. One can find among the people of every State a certain proportion who are almost self-supporting. The different operations of labor are performed within the family, and no wages are paid ; the food consumed is mostly the product of the soil, and furnished by the resources of the farm. Flax and wool are derived from these resources, and when spun and woven afford much of the family raiment. The country store offers the means of directly exchanging the surplus products for some of life's luxuries, and so tea, sugar, coffee, and somewhat finer raiment are acquired, but, were there no such means, such a population could easily exist, independent of tropic products or of foreign fabrics.

As a consequence of such an existence, man would have little intercourse with his fellow man. It would be a matter of supreme indifference if foreign nations sought our intercourse and trade. Commerce would remain somewhat of a necessity, though nearly lost, for product must be exchanged for product still, and manufactures must exist enough to at least extract the iron from the mine, but man in such a state would find successful employment in directly raising food for his own consumption ; in fashioning garments and tools to use, and in building such dwellings as his own hands could raise.

We have imagined a state of Arcadian simplicity ; we have gone back to a patriarchal epoch, and the fact is present with us that the heart of man has sought out many inventions. By the most natural of causes, man, being gifted with intellect, possessing mind and being impelled to its exercise, left it to the beasts

QUESTIONS.—How can man learn by agriculture? What example is given of self-supporting people? How are other products acquired by such? Could they do without them? What would be the consequence of such a state? Would man find successful employment? What has man attained by natural causes?

of the fields and the birds of the air to act upon instinct, and entered upon a career of construction, which was almost creation. Discovering ways of adapting natural objects to his own uses, he gradually cultivated tastes that sought development, and he compelled the crude things of nature to assume such forms as would satisfy them.

Man in his ruder civilization, unless brought face to face with Divinity, could not overcome the prejudices of superstition and attain the higher regions of faith. It is by cultivating mind and awakening tastes that command him to labor, that he acquires excellence and power. True, these tastes often make man their slave, and abusing his privileges and his powers he becomes sometimes debased in their exercise. It would still seem that man, in striving to fill his possible destiny, has improved his condition and character. His natural sphere and destiny seemed to be to enjoy what nature made easiest of possession—to live and die. His possible destiny seems to be to expand in thought and action until all the elements obey him; to live in action and dying perpetuate his knowledge in the records he leaves behind him.

It is wonderful to contemplate the varying themes suggested by such a subject. The economy of nature suggests the economy of man, and either man must remain blind to its teachings, or else, heedful of the truths she thrusts at him, he studies the changing pages she spreads before him, and as each treasured fact lets in more light, he uses it to attain deeper insight into philosophy. Who can bid him stop, and point the man of science, who translates the minutest atom into a thing of power—who weighs the worlds and traces the motions of a universe back to the days of primitive existence, when man had never exercised the powers of mind? Mind *must* expand.

QUESTIONS.—What of man in rude civilization? How does he acquire excellence? How does he sometimes become debased? What is the result of man striving to fill his possible destiny? What seems his natural destiny?—what his possible destiny? Whence is the economy of man suggested? How does the study of nature impress him? What example is given of the man of science?

Superior mind must take the lead; and, as a consequence, distribution of wealth must be unequal and partial, because there is no equality of mind to accompany equality of rights. Civilization has been accomplished by man's progress. The human family has become mutually dependent to a degree that compels the labor of Asia to exchange products with America, and so down until every citizen depends on universal labor. As science explains natural law, all the terrors of superstition disappear. The Supreme appears more nearly allied to man, religion obtains a sincere hold on universal character, and whatever of vice and ignorance is found, becomes more repugnant to true and elevated mind. Poverty exists and all the millions toil, but a more pure and extended philanthropy arises to attempt the alleviation of human woes.

OF GOVERNMENT.

We have briefly and very imperfectly reviewed the economy of social life; have glanced at the fields for labor and the effects of labor, and traced the course of wealth, as developed from natural agents, by the efforts of perfected industry, until it is distributed as the existence of wants require, or as the opportunities of man enable them to acquire. We have found as a result, society organized with capital as the director of labor, and commerce as the agent for the exchange of products, and it remains for us to consider the influence of government on production.

The science of economy of monarchical governments affords many lessons of value to us, but we can simplify their theories very much when we put them into practical use under a free government. The recondite theories of the old world have never had occasion for exercise in

QUESTIONS.—What is said of mind? How is civilization accomplished? How is mutual dependence illustrated? What is the effect of science on superstition and religion? Does commerce bring neighborhoods and nations together? What do compensations of nature provide? What has this treatise now reviewed? What remains to consider? Can we simplify monarchical theories?

states created in the new, for there have never existed with us those tenures that spring from feudalism, nor an aristocracy that remained permanent long after the period in which it originated, and far outliving the system of government it once created. We have already shown the origin of government—how man, when he commenced acquiring property, became anxious for its protection as well as for the protection of life, and therefore he instituted laws.

As civilization has progressed, the theory of government has been more perfectly developed, and its functions have become extended to include a watchful guardianship of the public happiness, as well as guard over property. In carrying out this policy, government asserts the right to claim and exercise certain privileges and powers; and the consideration of the powers of government, in their relation to the rights of the governed, constitutes one of the most elaborate chapters of political science, and comes within the purview of political economy.

With us, the voice of the people constitutes the government, and may be supposed to construct or dictate its policy; therefore, there is no room to doubt the sincerity of the government, or question the acts done in accordance with the popular will. Adopting *vox populi vox Dei* as a maxim, there would remain no right to question; but as all government is experiment, and the people but dictate what experiment shall be adopted for use, the field is entirely open for investigation.

Writers on political science devote much space and argument to show by what process government, which was instituted to protect from violence and fraud, has become

QUESTIONS.—Have monarchical theories had occasion for exercise with us?—why not? How has civilization affected government? What rights does government assert? What constitutes government with us? Can we doubt its sincerity? What is said of government as experiment?

the guardian of all the better interests of the community, and the promoter of that which benefits as well as the correcter of that which corrupts. We will accept their conclusions, and, supposing that all intelligent minds concede that this conclusion is inevitably arrived at, we will save our space for a brief consideration of the functions of government, and an analysis of its functions and their effect upon the production of wealth and welfare of the governed.

The suffrages of the voting population decide the election of officers, the adoption of public policy and the framing of laws. At least such is the practical effect in this country, and this treatise relates immediately to no other. The general structure of our government is in correspondence with liberal views, and consistent with the most perfect freedom. Entire freedom might degenerate into licensed crime; perfect freedom is based on law and secures justice in its perfection. It therefore remains with the political economist not to urge governmental reform, so much as to offer argument and make the people comprehend their best interests; for, as they are sovereign, and government is but experiment, trial can be made of any plan and experience decide its merits. They (the people) can always decide if experience proves it sufficient.

OF LIBERTY.

Freedom of thought, of speech and of the press, with an equal right to the protection of the laws and the privileges of citizenship, is liberty as secured by our government. Since slavery has been abolished there remains no objection, on the part of the most ardent advocate of personal liberty, to the principles established in the Constitution. Time has demon-

QUESTIONS.—What have writers shown as to progress of government? What ground does this work take? What do the votes of the people decide? To what does the general structure of government correspond? State the difference between entire and perfect freedom. What has the economist then to do? Can trial be safely made? Can objection now be made to our Constitution?

strated the perfection of the plan, experience has justified the wisdom of its framers, and the workings of government satisfy and protect a large and growing people. To commence in the highest condition of dependence, it is claimed that the National Union, to be acceptable, must not have power to compel the obedience of the States, save as they have deliberately resigned their powers to it. Others claim that all powers are given up that are not expressly reserved. This important subject has been discussed from the time of the formation of the Constitution until now, and the issue of secession, directly brought, and which convulsed the nation with all the horrors of war, may not decide the *theory*, but it establishes, in *practice*, that the general government *has* compelled a large number of unwilling States to remain in the Union and own its authority, and it establishes the *fact* that the Government considers the Union perpetual. The construction of law is that the States resigned the supreme power to the nationality, or to the people of all the States, and that they possess equal liberty with each other, but not the liberty to dissolve the Union. The treatise on government shows what laws are supreme over State laws, and we do not propose in this example to more than explain what we mean by liberty. The philosophy or economy of the Union then is, to create a government powerful enough to secure protection for each member from domestic or foreign dangers, and as the dissolution of the Union would weaken this protection, the act of secession would not be the exercise of *liberty* in its perfect sense, but a lawless disregard of the common good. These are the conclusions of history, and as such we give them.

States are individuals, and having shown their dependence on the Union, we must recollect that they have rights which

QUESTIONS.—What has time and experience demonstrated? What is said of State dependence on the Union? How has secession affected this question? Does it decide the *theory* or establish the *practice*? What is the fact? What is construction of law? What is the philosophy or economy of union? Does dissolution correspond to it? What would secession then be?

they maintain by aid of their equal representation in Congress, and that in all the functions of government, as controlling life and property, they have absolute power over a multitude of individuals, their laws being subject to the general provisions of the Constitution securing in each a republican form of government and conformity to constitutional laws of Congress.

The liberty of individuals comes next in view. Laws of Congress guarantee to every citizen equal rights before the courts, and a citizen is not necessarily native-born, or a man of peculiar color, but citizenship includes every person whose intention of naturalization is established. Equal liberty belongs to every individual under the Government, and no privileged class claims precedence. But the very freedom guaranteed by law is made consistent by restrictions upon wrong doing, and liberty and even life are lost when law is violated.

The liberty of individuals is insured by their good conduct, their liberty of speech is bounded by its proper use, the uttering of falsehood or slander is made punishable, and men are liable for the consequences of their words. The liberty of speech consists of the right to freely express and maintain opinions, to discuss public policy, to argue on every subject that can interest mankind, and with us the privilege of free speech is sometimes carried to an extreme.

Most violent assaults upon public men and measures are made, and the government feels no fear, because the people created it, and no less power than theirs can alter it. Very frequently, in the heat of political debate, personalities are indulged in that are unlawful, but they are not often punished, as the result is not injury to any dangerous extent, and it passes as a result of excitement. Slander and defamation are frequently punished, as they are often the result of pre-

QUESTIONS.—What of State rights? What power have they? What of liberty of individuals? What is a citizen? Is liberty equal? How is freedom made consistent? How is individual liberty insured? What bounds liberty of speech? What of falsehood and slander? Of what consists liberty of speech? Is it carried to extreme? Why is not government in dread of it?

meditation, and either injure the business standing or moral character of individuals.

What has been said of liberty of speech applies equally to the liberty of the press. Monarchies often forbid the publication of matter reflecting on the government, but with us the acts of government are liable to the fullest and most violent criticism. This is carried to the largest limit, for merely partisan purposes; but by natural tendencies and the influence of majorities, the equilibrium of government is not easily disturbed. The elections, even after the most violent political commotions, are held in quietness, and the wonderful feature of the age is, that they are received as decisive. There is no appeal from the ballot-box, and its verdict is given by a physical majority always capable of enforcing it. So the freedom of the press and of speech are usually harmless when most bitter in reflections on public policy, and if even successful in inflaming the public mind to misguided action, reason and experience are sure to secure reform from future exercises of the ballot. The freedom of the press is restricted to statement of facts in case of individuals, and the abuse of privilege in cases of libel is punished with strictness. The public welfare is not so easily injured by misrepresentation as that of an individual in private life. Any word that detracts from the commercial or moral standing of a citizen is an abuse of liberty and becomes license punishable by law, and the subject of slander is entitled to exemplary damages.

So government may be liberal when it restricts liberty. The public economy demands that liberty shall be denied to vice, and law exists as a system of the most exacting restric-

QUESTIONS.—What of slander and defamation? What of liberty of the press in monarchies?—how with us? What are the tendencies of majorities? How are elections conducted? What is the result? What of the verdict of the ballot-box? Can freedom of speech or of the press result in permanent evil? How is it in case of individuals? What is the difference between slander of government and of individuals? Can liberal government restrict liberty? What does public economy demand?

tions upon the acts of individuals, by which property, to the most minute degree, is preserved to the possessor, and punishment meted out for the infringement of private rights. Life is protected by the exaction of life for life, and injury to any person is crime before the law. In the pursuit of happiness man is guaranteed liberty, but the pursuit of happiness must not trespass upon the common good, and in fact happiness in the individual is, in the nature of things, dependent on the happiness of the community at large.

Law exists for the better security of permanent property, and the organization of government provides courts for the establishing of justice according to law. With us, as a free nation, law is the voice of the people, the rules of action and government which public economy suggests and the people adopt and enforce.

Law restricts liberty when it becomes license for crime, it preserves, in the most minute particular, the rights of all, and equity comes to enforce justice when law is insufficient to secure individual rights. Law first existed as a common system made plain by custom—though never expressly written—and handed down by the efforts of learned men, who recorded the customs and usages so adopted for the use of posterity. Equity has likewise become essential, for arbitrary laws can only cover general cases, and as there are exceptions to all general rules, so principles of right prevail, to remedy any defects in the law and secure equity or justice. Statute law is the direct enactment of the existing government for the carrying out its organization, and the establishing of such regulations as the public economy demands, and frequently differing from the common law and always superior to it.

QUESTIONS.—What is the effect of law? With what result? How is life protected and injury to person punished? How is man protected in the pursuit of happiness? For what purpose is law? How are courts provided and for what purpose? What is law with a free nation? When does law restrict liberty? What is the action of equity! How did law first exist? Is equity essential? What is statute law?

Law governs the acquisition of property, secures the legal possession of it, and provides for the distribution of estates. It punishes vice and, by protecting, incidentally rewards virtue. It has under its charge and care the persons of all citizens; it confines those guilty of crime and releases those unjustly confined. The whole study of political economy is contained in the considerations that actuate the adoption of laws and their enforcement.

The powers of government have always been questioned, but recent events seem to establish the United States as a nationality as powerful as any monarchy. In fact more powerful, because the majority of a people uniting in a policy are more powerful than any government can be which does not express the consent of the governed.

The Union, therefore, as seems to have been intended by its founders, and as late years have demonstrated, cannot be dissolved. The government stands as the frequently reiterated voice of the people, based upon great fundamental principles adopted by all, which it cannot infringe, but which have been approved by experience.

There is no question with us as to how government should be constituted, for we have one most equable and just. The functions of government remain for us briefly to consider. A great dread has always existed, lest centralization of power should wreck the liberties of the people, but the people themselves possess that power, and the brief term of each administration, and the checks that each department can interpose against its use, seem to leave no room to doubt the power of the people to control the government. The spectacle was lately offered of a million men in arms, but instead of becoming a shadow of terror, that army grew to be a greater assurance of safety, for it disbanded after years of war as

QUESTIONS.—What is the effect of law on property? How does it effect vice and virtue? In what is contained the study of political economy? What is said of our nationality? What is said of our government? What is said of centralization of power? What example is offered of the army lately in existence?

quietly as after a mere militia parade of a day, and sought again the common avocations of life.

REVENUE AND TAXATION.

The government of a town is distinct from and obedient to the government of a State, and frequently is inferior to the government of a county, which is also governed by the State. The State is governed by the United States in important respects, so that we have town, county, State and National control in distinct but harmonious existence; besides which, there are school districts and road districts—making six different systems which are to be maintained at the expense of the people. The raising of revenue is a necessity, and taxation, in various forms, is a result. Therefore revenue and taxation become important subjects in political science.

The necessities of government arise from various causes. The services of officers in many departments, forming a system so complete as to penetrate every village and employ men in every neighborhood, requires an immense revenue of itself. The interests of the nation abroad must be maintained at great expense by efficient representatives; for in every commercial mart where our flag can go it must have the presence of some representative of the nation to secure it all the privileges of trade. The army and navy are to be maintained, the expense of which has become a most important item of the public expenditure.

We have seen that many subdivisions of government exist. The nation, State, county and city, or town, must all be supplied with revenue; roads must be constructed and a common school system sustained according to our national policy. Taxation must exist, but it must be en-

QUESTIONS.—How many subdivisions of governments are there alluded to here? How many systems of revenue are alluded to? What is said of the necessities and expense of government? What is the result of this necessity?

forced with great judgment, for want of economy will plunge a nation in debt, retard its progress and destroy its best interests. Ten years ago our national expenditure was very small in comparison with the present. The duties on importations, with the sales of public lands, furnished a revenue that paid the regular expenditure of times of peace, and even carried the nation through the war of 1812 with England, and the war of 1845 with Mexico, affording opportunity of accumulation to cancel the debt created by those wars. The crisis of civil war came upon us in 1861, and we emerged from it to find a burthen of debt upon us, in proportion to our numbers almost equal to the debt of England, to meet the interest of which and carry on the government with its greatly increased expenses, requires that taxation, which before was only felt as an increase of value in articles imported, shall be a perfected system, informed of the resources of every branch of labor, as well as aware of the results of capital in all its uses. The duties upon imports still form a great item of income, probably more than ever before, and at the same time they incidentally afford the protection to home industry it needs. The sale of public lands afford small revenue because the government has adopted a liberal policy to the people, giving each man who desires, a homestead to occupy. The new system follows the example of England in taxing incomes, manufactures and productions; in licensing occupations and requiring stamps to be affixed to instruments of writing and many proprietary articles.

The policy pursued is to leave the necessities of life as free as possible, and to collect revenue from superabundant incomes and such other sources as can best afford it, and least afflict the laboring classes.

QUESTIONS.—What of the expenditure ten years since, and before that? What happened in 1861? What is the result? From whence is revenue now derived?—state fully. What policy is pursued?

As a wonderful result of this system, two years after the creation of a debt of nearly three thousand millions of dollars, while supporting government upon an expensive basis, which can be only gradually reduced, and paying interest-money double in amount per annum the total former expenses of the government, we have decreased the debt to an extent that, if continued, would secure its extinction within one generation. The foreign nations similarly burthened are not attempting to meet the principal, while the people groan in the effort to pay the interest; but great as our expenses are, they do not call for the support of a royal family, and the difference between royalty and republicanism makes our burthens, large as they are, seem light in comparison.

Already Congress considers how taxation can be most readily and conveniently reduced, and the people recognize the success of our institutions in the facility with which all emergencies are met and surmounted. It is a question for political philosophers to argue, whether a compensation, in part at least, is not offered for the suffering and loss of the last few years, by giving the nation a knowledge of its power and the resources necessary to its conduct in the future.

It would be interesting and necessary to the full and proper understanding of public economy, to pursue the subject of taxation at length; to investigate every particular tax and determine its justness and realize its effects, but this is only a synopsis of the subject, or perhaps more an introduction, which presents a topic for the reader to pursue. The general Government has seldom resorted to direct taxation. The effects may not be essentially different, but the people love to be insensibly paying taxes and

QUESTIONS.—What is the result of this system? How is it with foreign nations similarly situated? Where is the difference? Is decrease of taxation contemplated? What question as to compensation is stated? Is direct taxation popular?

not directly. They prefer an increase of price upon many articles which shall almost imperceptibly effect a result, to at some time each year going down into their pockets for the whole amount demanded of them. Then, as we have stated, government aims to make the poor as little poorer as possible, and adopts a system of excise that makes the least necessary articles in use go far to support it.

The States resort almost exclusively to direct taxation, by levying a capitation or poll tax, and assessing the real and personal property and demanding from the owners such rate of tax thereon as will supply the public needs. All the lesser sub-divisions of the State resort to the same means for the principal supply, for each has its own needs and its independent revenue. Licenses form a considerable item of State revenue, and are required of certain occupations, generally such as are not deemed practically essential or permanent.

The system of roads is generally maintained by the respective districts in which they lie, by actual labor rendered or by an equivalent to secure the same. In some States, in addition to so much labor due by each citizen as such, the possession of property governs an additional amount of labor to be done, or the payment of money as an equivalent.

Public schools are supported, in whole or in part, in many States, by taxation, sometimes directly by the State, at times directed by the vote of each school district, and again sometimes raised by both State and district.

Taxation, to be just, should be accommodated to the necessities of the country, for it must insure the means to effectually carry on the government and yield to all the people the just results of government. Careful legislation

QUESTIONS.—How is it with the States? How with the subdivisions of States? How are roads maintained? How public schools! Where is taxation just?

provides means and dictates their disposal, and no money can be spent unless Congress provides it and sanctions its use in advance. It is esteemed necessary that public buildings shall exist and that the Government shall build them. So the National and State Legislatures raise and appropriate money for that purpose. The supplies for every department and the salaries and necessary expenses of officers, are estimated, these estimates corrected and examined, and legislation acts upon knowledge. So it is evident that economy is most necessary to the nation. The subject of political economy expands as we approach it, and the glance we have taken, while it may instruct some, will suggest topics for thought to all.

It remains for the people themselves, as the surest and safest way to secure economy of administration, to be well informed as to questions of policy and finance. They are competent to solve all the problems of statesmanship which are ultimately left to their decision, and there cannot be a single fact as to government they are not entitled to understand and permitted to investigate. The accountability of public officers is immediately owed to them. As they understand public matters so they can determine them, and the hardships of mal-administration which may be due to their ignorance will as surely fall upon them. The worth of every thing governs its cost, so the public mind should be informed of all public needs, so that it can be prepared to judge for itself of the value attained by public expenditure.

THE FUNCTIONS OF GOVERNMENT.

In the administration of government, in addition to the natural and simple functions it must exercise to preserve peace and to protect life and property, there are, incidental

QUESTIONS.--How is money expended? How can good administration be secured? What functions pertain to government? How is the general duty of government stated?

thereto, many duties devolving upon it as guardian of the general welfare and promoter of the general good.

Political economy considers how government can best add to the production of wealth within its own limits and requires that efforts shall be made consistent with its conclusions. The general duty of government is to enforce contracts and hold all men responsible for their honorable and reasonable agreements. All the success of commerce depends upon this being effected, and the credit given by capital would hardly continue if it were not that the courts stand ready to enforce contracts and exact right dealing between man and man.

It may appear most inconsistent with this fact, that there exists at the present time a Bankrupt Act, passed by the late Congress, by which a man may surrender all his property to be divided among his creditors, and receive a legal release from all his indebtedness. The public economy which requires the fulfillment of contracts is supported by every requirement of society and element of justice, and is maintained in all government, but exceptions occur, nevertheless, which seem to justify the passage of a bankrupt act and to pronounce it only just that surrender of property freely and fully made shall bring release from obligation. Great commercial convulsion may occur, as in 1837, and leave a great part of the community bankrupt, or a great political convulsion may arise, as in 1861, and the effects of civil war may be even more severe than the effects of commercial convulsion, and the public economy may suggest in the emergency the cancelling of debt by surrender of property, and the effect produced may justify the means. By being relieved from the terrors of debt very many of those who had suffered commercial misfortune might enter business and again attain competence, while all would gain confidence to try the fortunes of life again. Many, under these circumstances, realizing a

QUESTIONS.—What exception is stated as to enforcement of contracts? How is the exception justified?

moral obligation when the legal one was lost, have paid the cancelled debt out of their future successes. Political economy justifies the law which forgets the enforcement of contracts in view of the fact that more good was attained by the result than could have been attained without it.

Capital is considered as arbitrary and tyrannical, and the usury law confines it within certain limits as to interest. The principle seems to prevail that any commodity is worth what it will bring. There is no limit to the price of bread, the most important staple; rents are not regulated by law, but the value of the use of money is determined by statute. The result is at least satisfactory to the masses, and does not injure the interests of capital, while the poor are relieved from oppressive exactions.

We have a vast unsettled domain open for settlement and the population of Europe is too abundant, so government invites immigration by offering advantages. This national domain is the inducement, as any citizen, or person desiring to be such, can become possessed of land by actual occupancy. Such laws are outside the natural and necessary acts of government, but the public good is attained when citizens possess homes and new states grow up as a consequence of immigration.

In England, where industry commands low wages, free trade is a just and reasonable policy, necessary and natural; with us, where labor is enhanced in value, and it is desirable to maintain all branches of industry in perfection, government, from true motives of political economy, lays a duty on the product of foreign labor, sufficient to enable our own labor to compete. Unless this was done, our own labor would be either reduced to a level with foreign labor in price, or our manufactures would cease.

The government finds natural means to foster enterprise by

QUESTIONS.—What is said of the usury law as an unusual restriction? What action is taken with the public lands? What comparison is made of free trade?

favorable legislation, but it has been denied that it can create internal improvements. In aiding to construct the Pacific railroad, it may not actually do so as an owner, but it virtually constructs the work by grants of land and loan of its bonds. The necessity of trans-continental communication suggests this as wise public policy, and certainly as a measure of political economy the act cannot be questioned. The national welfare demanded it, and it could only be effected by government aid. The same reasoning applies to donations of land for similar objects.

Hospitals and asylums are provided by government for the afflicted and the poor. Recognizing the obligations of humanity, it mitigates the sorrows of man, and the people cultivate benevolence by the encouragement of public as well as private charity.

The duties and responsibilities of government have increased with civilization, and the mere protection of life and property have developed into a great system of government, which seeks to elevate labor, to stimulate enterprise, to encourage virtue, to reward invention and to cultivate the growth of art, science and philosophy. Not less is it its duty to alleviate suffering and lessen the ills all flesh is heir to.

NATIONAL DEBT.

It is a question of great importance, how far any government is justified in creating a public debt, not as a temporary loan necessitated by circumstances, and destined in the natural order of things to be cancelled in a few months or years, but a debt whose operation must be to impose a lasting burthen, and the interest of which will remain as a permanent tax upon the national resources.

In preserving the balance of power in Europe, the great nations of the old world have become inextricably involved,

QUESTIONS.—What is said of the Pacific railroad? Does government alleviate suffering? How have the duties and responsibilities of government increased?

and have accumulated debt which remains a permanent feature of government. The idea of paying the principal may be said not to exist. The expounders of political science there claim that the expenditure was necessary, and was produced by imperative causes, and they even claim that a national debt may become a national blessing, by forming a bond of union between the middle classes and aristocracy, who are the great mass of public creditors, and the government which stands to them in the relation of insurer of wealth to the extent it is their debtor. Government bonds are often a favorite security, and fixed incomes, however small or great, are supposed to be more certain of continuance with the faith of a great nation pledged for their payment. It is claimed, then, that most powerful interests are thus combined to support a government, upon the existence of which so many hopes depend.

From a republican stand-point, we can easily perceive the sophistry of such reasoning. A government created and supported by the free voice of the people, we have seen cannot fall, and we could easily be convinced that a government whose strength lies in its weakness—for debt is weakness—and the apprehensions of its creditors, must certainly fall.

But debt need not necessarily exist as a mere bond strengthened by selfishness, it may be supported by higher motives, for if created in self-defence or upon urgent national necessity, it will stand to the people as a memento of that danger and the means of its avoidance, so that while selfish interests may be involved in its payment, the gratitude of a nation may be enlisted to maintain its integrity. If selfishness was the only motive, it might fail from the fact that while the interests of some are favored by payment, the interests of all—for all consumers are

QUESTIONS.—What is said of the debts of foreign nations? What is claimed by expounders of political science there? How would we answer that view from a republican stand-point? Can national debt be viewed with higher motives?

incidentally tax-payers—would be favored by its repudiation. So the selfish considerations are in majority against it. The conclusion is that a national debt must be based upon necessity, and be assumed with the consent of the people, to insure their acquiescence in the taxation which must ensue.

We find ourselves suddenly with an immense national debt. To claim it as an element of strength is the merest folly, while the probability that it will produce weakness is not necessarily proven. This debt originated in great public necessity. The Union has been preserved at this expense. The people have pronounced the object worthy; they therefore assume to pay the cost.

Under the circumstances, it was impossible to meet the expenses of the war by actual collection of revenue, and assuming that posterity was interested in the issue and could afford to pay part of the cost, if necessary, the people, through their representatives, borrowed money to meet the public exigency. One remarkable feature of the case is, that the people themselves loaned government the means to carry on the undertakings they approved.

So it seems undeniable that extraordinary occasions may arise when loans must supply means to Government. Our view of taxation induced the result attained, by which our debt is being rapidly decreased, which gives rise to the question, How fast should such debt decrease? Of course that must depend much upon circumstances. If there were no danger of recurring emergencies, it would be proper and convenient to let that decrease be gradual,

QUESTIONS.—What would be the result if purely selfish motives prevailed? What do we find true of the United States? Can we claim it as an element of strength? Is it necessarily weakness? What is said of it? What reasons are given why the people borrowed money? What is a remarkable feature? What seems undeniable? What is said of the decrease of the debt?

for in securing great ends and permanent results, where posterity receives benefits, it can afford to pay something of their cost.

The power of a nation is in proportion to its strength, and if debt is weakness, then the more debt the less strength. A nation which presents sufficient power of resistance will be respected by other nations, peace will remain more permanent, and the public welfare be more assured. Therefore it is advisable with nations as individuals that they hold themselves as little incumbered as possible and prepared for emergencies.

We have seen that old dynasties exist, so deeply in debt that to meet the interest absorbs all the nation's resources and leaves no room to diminish the principal. What security do they possess that equal emergencies may not occur and greater indebtedness become a necessity? and if they have no ability to meet additional demands, what becomes the inevitable result? Bankruptcy introduces revolution, and ruin becomes accomplished.

The conclusions we draw, then, in our own case, are, that the reduction of the public debt is advisable, as fast as the resources of the nation can safely and easily accomplish it. There is no appearance of distress in healthy districts as a consequence of the present system of taxation, and if the whole country was as prosperous as before the war, it would yield still increased results. War, in its desolating course, crippled our resources, as a nation, because it destroyed a proportion of them, and the devastated districts have to recover themselves. Of course, in such, taxation is more severely felt, but time is healing the

QUESTIONS.—What is said of national power? What danger threatens debt-burthened dynasties? What is the conclusion in our own case? How did war affect us?

wounds war inflicted, and the national resources are fast recovering.

It remains a most important part of the functions of Government to temper the commerce and industry of the country according to its circumstances. Steel is prepared by difference of temper, to work iron, stone or wood, and so trade must be regulated to answer the occasion. It seems now more than ever necessary that labor shall be protected and all enterprises encouraged, so that they can best bear the burthen of taxation.

If, as a nation, we are complete within our own resources, raise all we can consume, construct what we use, and *own the national debt at home*, then the interest of that debt will be distributed among ourselves and form part of individual resources. After supplying its proportion of the needs of trade and uses of commerce, the money paid out by the Government as interest will be again annually collected by taxation, and again paid out as interest for the general uses of the people. Raising what we consume will naturally include the purchase of foreign commodities by exchange for our surplus products, for as long as what we produce supplies what we consume, then, in common phrase, "one hand is made to wash the other." Among our resources are great mining regions only half developed, and any person can readily perceive that if the supply of the precious metals produced can remain in our hands, we would soon possess resources that would exceed those of any people upon the face of the globe.

The resources of a nation, as of an individual, however

QUESTIONS.—Are we recovering? How should government influence commerce and industry? What is said of owning this national debt among ourselves? How can one hand be made to wash the other? What is said of keeping our supply of precious metals at home?

great, may be crippled by extravagance. We will instance how this has affected the United States. We profess republican simplicity, we possess within ourselves all the resources of life essential to happiness, for we raise in excess important staples to exchange for a reasonable amount of foreign products and luxuries. Formerly, by a dangerous system of credit, we were always deeply in debt to European capital, which knew our resources and exacted large interest for satisfying our extravagance; some crisis would occur to call this capital home, we were asked to pay up, and financial ruin took place in trade. This result would not have been so disastrous if we had constructed our own supplies from our own resources. Buying foreign goods on credit was not exactly making one hand wash the other.

At the present time we are increasing this evil, and becoming more than ever in debt to foreign capital. At the expiration of the late war, some six hundred millions of our national debt was owned abroad, or perhaps more properly was *owed* abroad. No doubt the amount has increased since that, and the usual credit has been offered us beside. It requires no deep reasoning to see that it is a misfortune that we owe foreign capital at all. The amount is in no sense returnable; circulation at home does not follow the payment of interest to foreigners, but the amount we owe them is so much deducted from the wealth of the nation. If that amount is borrowed for use of trade, or construction of internal improvements, we would still have an equivalent, and the payment of interest would be exchange of value for existing value. The use of luxuries destroys value, and the condition

QUESTIONS.—What is said of extravagance? How has this affected the United States? How could these commercial crises have been avoided? What is the case at this time? How does foreign debt affect circulation? Would it be different if the money was borrowed for practical use?

of the country will be in time deplorable if the Government securities become transferred abroad as an increase of obligation, and so much detracted from our resources. Then the money paid in taxation to meet it would be displaced from circulation, and the debt become an intolerable burthen which might induce repudiation.

The remedy will be found in efforts of Government to protect home industry and restrict foreign luxuries by a judicious system of duties, and more still, by the intelligent action of the people in discriminating between necessary and unnecessary expenditures to preserve republican simplicity.

It is with the wealthy the evil originates, for if they remember that they owe a duty to their fellow countrymen and use their means to advance home manufactures, then they are benefactors of the nation. Whereas, if by greater diligence, intelligence or opportunity, they accumulate more than a natural and equal share of wealth, they can reduce that general wealth by so using their proportion of it that it does not reproduce itself in their own country, but increases the wealth of some other. Gold and silver are eventually demanded in satisfaction, and the result is that the supply is exhausted—the product of our mines is dissipated in what is practically useless extravagance. These propositions seem simple, plain and convincing. If we accept “free trade and direct taxation” as the true policy, it does not weaken this argument. Were we a nation of agriculturists alone, and imported more value than we exported, bankruptcy would ensue. Government does not possess the natural power to interfere, but it is one of its optional exercises of power to aid the general welfare by discrimination in favor of home

QUESTIONS.—How does the use of luxuries affect value? In what case will we be in a deplorable condition? How will we find a remedy? Where does the evil originate? What effect does it have on gold and silver? Would the result be different if “free trade and direct taxation” was the rule adopted? What of the natural and optional powers of government?

production, as much as to advance education and aid internal improvement.

THE ARMY AND NAVY.

The great European nations, jealous of each other, and not only fearful that they may suffer loss of territory, but anxious to be prepared for any emergency that may enable them to aggrandize themselves, at the cost of their neighbors, are maintaining, at an enormous expense, standing armies containing millions of men, who are not only withdrawn from society as producers, but require to be supported by the labor of the people. This is the great cause of distress to the nations of the old world, for without pretending to go into accuracy of figures, it would be safe to say that in the standing armies of Europe five millions of men are not only withdrawn from profitable labor, but are being unfitted for it by the idleness and demoralization which army life engenders.

Viewed from any practical standpoint, a large standing army injures national character as well as burthens the people, but the construction of European power requires it, for with all the progress of civilization, standing armies seem the only safeguard of international faith.

We have passed through a terrible ordeal of civil war, in which one-fifth of the manhood of the nation was at one time engaged in conflict the most disastrous. The existence of a martial element in our national character was almost doubted, but the doubt exists no longer. War claimed of us, as it always claims, the most stalwart manhood, and sacrificed it freely. Actual statistics show that the wars of Napoleon not only reduced the population of France, but, by destroying the most stalwart and muscular men, for the army is composed of such, it decreased the physical strength and stature of the French people. So undoubtedly it must have operated in our own case.

QUESTIONS.—What of European standing armies? How many millions are thus probably taken from labor, and with what result? How do standing armies affect national character? What effect did the wars of Napoleon produce?

Occupying a continent to ourselves almost, with no jealousy of our neighbors, but entertaining a confidence that they will soon become united with us, we are free from the necessity that drives Europe to support such standing armies. The martial spirit of the people needs to be cultivated in a judicious and general militia system, that military organization may be easily effected in case it should become necessary. An army may be organized and maintained in a skeleton form, capable of being expanded by filling up from civil life, and made efficient with competent officers and the presence of disciplined men in the ranks to give confidence to the new recruit; and this army, sufficing to guard our military posts and frontiers, to subdue the savage tribes and man the fortresses that sentinel the ocean entrances, suffices for all our wants, with no fear left of the aggressions of the outside world. Neither will we need to fear a recurrence of internal commotion, as consistent and liberal legislation must insure the return of fraternal feeling. The ballot-box will be a power more potent than the bayonet, so long as we preserve the traditions of our early history and the memory of terrible later events.

The confidence with which the Government disbanded an immense army, which had conquered great armies opposed to it, trusting the word of the sections it had so long fought, shows forcibly that we have no occasion for maintaining such an army as would be required to preserve the national existence and possessions of an European power. This relieves us from great national expense, and enables us to not only meet the interest but to already reduce the principal of the national debt.

As a commercial nation, whose fleets occupy every sea, we have the ability to equip a formidable navy at short notice,

QUESTIONS.—Why are we free from the necessity? What is said of a militia? How may an army be organized to advantage? Need we fear domestic violence again? What action of government shows this?

as we effectually did during the last war. Naval supremacy should be a matter of emulation for a people who delight to cultivate commercial relations with all the world, and while we can dispense with armies to impress the world with respect, a national marine of no second class importance is needed to make all the world perceive and respect our power and enterprise. Foreign nations cannot invade our territory, but they may, unless we meet power with power upon the ocean, drive our commerce from the seas and cripple the national resources as effectually as if they obstructed the navigation of the Mississippi, the great lakes, the Sacramento or the Columbia.

Our success in naval architecture is matter for pride, and while our monitors, iron-clads and war ships carry our flag to every port, with the visible assurance that we equal the world in excellence of preparation for offense and defense upon the seas, so long will we have room for our commerce and the world's professed friendship. There is, of course, a limit to need of naval power, but the American navy stands the exponent of our strength and enterprise, and while it would be an unwise policy, inconsistent with republican simplicity, to use our navy as a threat by unnecessary display, it would be equally unwise to let parsimony interfere with due ability to protect a commerce that secures us both wealth and power. Political economy suggests no aggressive demonstration upon land or sea, but such an organization of both army and navy as is consistent with the preservation of free institutions and of our commercial prosperity.

LIMITS OF GOVERNMENT INTERFERENCE.

As all government is interference with the affairs of men, for the assumed purpose of securing life and property, the question naturally recurring to the political economist before closing his view of the subject will be, what are the just lim-

QUESTIONS.—What is said as to the need of naval supremacy? How can foreign nations injure us else? What does political economy suggest relative to the navy? What question comes up before closing this treatise!

its of governmental interference? This question is also one that is easier answered from a republican than a monarchical stand-point, and our consideration of it will omit many of the particulars that encumber the arguments of the old world philosophy.

A government that assumes to understand the wants of the people better than they themselves understand them, and which attempts to cultivate intelligence in a ruling class to remedy the want of cultivation and intelligence in the masses, occupies a false position, in that it assumes to understand wants from which its very cultivation and intelligence removes it too far to permit the existence of the sympathetic feeling which alone can insure appropriate legislation.

With us the dependence of applicants for position upon popular favor insures that they shall be *en rapport* with the people, while the continual demand upon the people for the exercise of their suffrages to determine questions of public policy at the polls, insures discussion and argument and the spread of general information, which in a measure educates the people to competent action. So the people themselves become, in effect, legislators, and while some confidence might be felt in a disinterested government, if such could exist, which should specially educate its members to understand and alleviate the public needs, more must be felt in a people who *must be* disinterested while they decide questions of public policy affecting the welfare of each individual.

With monarchists the continually recurring question is, how far can we safely extend governmental interference? With republicans the question is, rather, how free can we safely leave the action of individuals? Let us accept this last question as our theme, and examine how far the acts of government can question and restrict individual free agency.

QUESTIONS.—How is it viewed in case of a monarchy?—how with us? What is the question as to extension of powers with monarchists? What is the case with us?

As we enter the duties of government—which are allowed to be, in brief, “to protect person and property against force and fraud,”—and advance to grasp the fact that protection against vice includes the encouragement of virtue, we open upon a wide field of observation and reflection, where philosophy makes its deductions and political economy becomes involved in a contest with moral and physical science, and all the good and evil in society claim equal protection. There cannot be any definite boundary drawn between those who assume that the influence of government should be felt wherever good can be accomplished and those who claim that it should be limited to its definite and original objects. The one theory imperceptibly glides into the other. The extremes stand in antagonism, but the opposing theorists occupy many positions in common, and the line of demarcation is fluctuating and indefinite. Active powers are strengthened by negative influences, and government, in its active efforts to “protect person and property against force and fraud,” finds that thought induces action, and the cultivation of right thought induces right action; that the exercise of individual freedom of action may involve self-debasement and result in creating vice, and as mind grows more penetrating and government more perfect, the necessity is felt of action to restrain indulgence that leads to vice, and to secure education to the people as a means of inducing them to appreciate government and to sustain law. We cannot, therefore, set definite limits to authority before we understand the need of it. Law corresponds to circumstance; different people need different government, as the progress of civilization is effected, and the character of the people is determined by time.

The great principles remain the same; their adaptation is governed by circumstances which may cause them to expand.

QUESTIONS.—What is said of the field offered for observation? Can definite boundaries exist? Where do the opposing theorists occupy common grounds? How can limits of authority be defined? Do principles change?

For instance, a higher civilization guarantees, in some sense, more individual freedom of action, while in another it may justify restrictions even upon man's free agency.

If man was perfect in character, government might be unnecessary, for no wrong could be done, and the most stringent government, if just, would be no restriction. As man, by civilization, comes nearer perfection, he sees the necessity of more stringent restriction and enforces it to prevent vice. It is in proportion as moral results are attained that physical results are attainable, for perception of good is a moral result and punishment of crime a physical. In endeavoring to attain these moral results, from a misconception of moral qualities and mistaken ideas of the action of will, some governments establish religion as a national institution, supported by the people. As a consequence, religion becomes independent of voluntary support and natural belief, and is dogmatical, and its pure influence is lost in a measure. With us, the people have religious liberty, and we see it exercised in many varieties of creed and faith, and illuminated by the highest talent, which is devoted to sustaining it, while agreeing on the main features of Christianity. All denominations seek different illustrations of it, and the result is an active religious character manifest as a national trait. A republican system of religion would be very inconsistent; a monarchical system is more inconsistent, for religion is natural, universal truth. Man attains thought for himself. The perfection of government may flow from the perfection of thought, but it has no right to demand pecuniary support, while it may well and properly have great influence. If government adopts any system of religion, be it Roman, Greek, English or Lutheran, and tax the people for its support, it defeats the very end

QUESTIONS.—When would government be unnecessary? How does advance of civilization affect government? What is said of religion as a national institution? How is it with us? Would a republican or monarchical system of religion be inconsistent?

aimed at, for man cannot love and respect, much less exercise faith in, a system which oppresses him.

Education is a public necessity, most certainly to a people who have in themselves all the powers of government. It would be highly improper for government to establish schools to teach a peculiar philosophy and compel the attendance of all the youth of the land, but it is proper for it to aid education by grants of public land for its support, and for states to collect taxes for the same purpose, and that the several school districts should impose additional taxes for their immediate use. All this is consistent, because education is free to all, and the text-books adopted are such as the people select, while at the same time all are left free to patronize private schools and to select such studies as they may prefer. Education may be supported because the greatest good results from it, and by its means the children of all have advancement opened to them.

Prohibitory acts are perfectly consistent, as when to prevent counterfeiting, which in itself is harmless, as well as the circulation of base coin and forged paper, which is the evil to be avoided. The purpose is base and criminal, and fraud is the intended result. So counterfeiting is made punishable, because public economy considers that fraud exists in intention and must be restrained from exercise.

Marriage is usually subject to no conditions save that the parties shall be of legal age and free from parental restraint, but the law institutes a form as necessary, and requires that the certificate of some person competent to perform it shall become a public record of the act. In large cities it is customary for a record to be made of all deaths, and in some instances of births. Statistics are kept for practical purposes,

QUESTIONS.—Should government establish sectarian schools? How can it properly aid education? Why is this consistent? Why may education be supported? Are prohibitory acts consistent? What of marriage?—of deaths and births? Why are statistics kept?

for it is useful to government, as necessary to secure regulations for the public health, that this information is at command.

The manufacture of dangerous articles, as gunpowder or inflammable substances, as oils, may be very properly confined within certain limits, for the public safety requires it, as well as that they shall be securely kept when manufactured. Interference with free agency in general is deprecated as an invasion of the inner life of a man and tyranny over mind itself.

JUST GOVERNMENT.

In closing this treatise, let us take a brief view of the systems of government now existing to realize by the comparison what may truly be considered *just government*.

There have, no doubt, been many rulers who have been much impressed with the responsibilities of their positions, and whose lives have been, in a great manner, devoted to the good of the people, but there have too often been those who failed to recognize that responsibility and have been led by ambition and selfishness. Human nature is so constituted that man cannot rely upon the disinterestedness of his fellow man, and the experience of history offers constitutional government as the only just system. The Government of England stands as the highest exponent of constitutional monarchy now in existence, but the influence of a class too much predominates, and the House of Lords claims a decisive voice in molding the laws. The House of Commons mocks popular sentiment with rotten boroughs, and the power of the landlord is maintained through the tenant who may be privileged to vote, while the laboring masses, to whom the ballot is denied, have no voice in the Government, little opportunity for improvement and development or to rise above the level in which they were born.

QUESTIONS.—What of manufacturers of gunpowder, etc.? Why is interference with free agency deprecated? What is said as to character of rulers?

Such is England with her chartered liberties, the grandest achievement of freedom in the old world and the parent of the greater liberties we now possess; but with us *just government* exists in a much more exalted sense. No royalty, nobility or aristocracy claims precedence, and the people are elevated in mind, because upon each one devolves a part of the duties of government.

Upon each one rests a direct responsibility as to the course the Government may pursue, and each may aspire to the positions for which he is qualified, while the fact that all positions are filled by the choice of the people induces a general system of education which will qualify men to assume responsible duties. Owing to the free and liberal character of our institutions, new men are constantly coming into favor, many of them representatives of the laboring class, who, finding incentives to study, have attained education by devoting leisure hours to that purpose, and stand foremost upon the rolls of fame.

JUST GOVERNMENT, then, has the consent of the governed, and more than that even, speaks the voice of the governed. The fact that public duties devolve upon all, raises all far above the level of old world peasantry and gives the nation moral power and physical excellence. The people may err, but they can see that error and correct it. Excitement may sway the popular mind for a day, but it cannot bias it with permanent effect. An English historian, after reciting the incidents of the French Revolution, pronounces that "democracy" is the greatest curse God ever inflicted upon guilty man. Because a people, enslaved and tyrannized over beyond endurance, at last rose and raised Liberty, in the name of Democracy, to be a goddess—without having in all the teachings of their history a true thought or realization of

QUESTIONS.—What of England as a constitutional government? What of the United States? What is the effect of devolving duties upon the people? What does an English historian say of democracy?

Liberty to base their action on—rioted in blood and carnage and failed to win or comprehend the privileges they longed for, Allison denounces "Democracy." The Red Republicanism of the French Revolution was not freedom, much less Republicanism, and if those who seek to disparage free government are willing to give it a fair trial, we invite them to witness the results of the American Revolution and judge if a people can achieve freedom and be educated to maintain and preserve it.

True perfection of government must result from intelligence. By education the masses comprehend their responsibilities, and it insures that they will discharge them well. We adopt into our social system those who come from foreign lands, and share all our privileges with them. We open our fields to emigrants from every nation. We discuss the political questions that arise, always with excitement and often with bitterness, but the common school stands and multiplies, the safest guaranty of intelligent thought and action. From its teachings of simple facts, we, as a people, draw inspiration, as it were, to mold national character and form opinion. Anarchy cannot exist beside it, and religion, without being taught there, receives a wider field for exercise.

Let us be thankful for our liberties, let us do more, and forever study how to protect and preserve them.

QUESTIONS.—What is said of the French Revolution? From what must perfect government result? What is the effect of education of the people?

EXTRACTS FROM THE FEDERALIST.

INTRODUCTORY REMARKS.

Pending the ratification of the Constitution, there arose in the States, particularly in New York, Massachusetts and Virginia, a great discussion as to the propriety of its adoption. Political parties were formed to advocate its ratification or rejection. The publication of the *Federalist* was undertaken by Madison, Hamilton and Jay, as a means of impressing the popular mind with the necessity of union and the advantages to be effected from the formation of a government based upon the proposed Constitution. During all of our history, there have been no men discovered whose arguments have been able to refute the general philosophy of government displayed in these writings, and the fame of the three great authors of these letters is based in no small degree upon the success of this joint effort. In after times, differences of political opinion existed between Madison and Hamilton, but no difference can be supposed to have existed upon the questions discussed in these brilliant essays, which, though due to the joint mind of the three, were issued as the exponent of one view, over the signature of *PUBLIUS*.

Commencing with the eloquent introduction, by Hamilton, which follows, the *Federalist* reviewed the evils existing under the Confederation, and then, with a force of argument that exhausted the logic of history, those letters, framed by its distinguished authors as one continuous argument, took up the theory of government prescribed in the Constitution, and step by step establishing point after point, they proved that the projected system developed into a harmonious and consistent

entirety, calculated to secure to "a more perfect union" the needed blessings so earnestly recited in the preamble to that instrument.

These extracts are carefully and impartially selected, as the expression of the founders of our Government, for the influence of these writings is known to have materially assisted the indorsement and ratification of the Constitution by the States, while it successfully refutes the attacks made upon it. The men who favored the adoption of the Constitution became the leaders of the nation.

INTRODUCTION, BY ALEXANDER HAMILTON.

After full experience of the insufficiency of the existing Federal Government, you are invited to deliberate upon a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences, nothing less than the existence of the Union, the safety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently remarked, that it seems to have been reserved to the people of this country to decide, by their conduct and example, the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitution, on accident and force. If there be any truth in the remark, the crisis at which we are arrived may, with propriety, be regarded as the period when that decision is to be made; and a wrong election of the part we shall act may, in this view, deserved to be considered as the general misfortune of mankind.

This idea, by adding the inducements of philanthropy to those of patriotism, will heighten the solicitude which all considerate and good men must feel for the event. Happy will it be if our choice should be directed by a judicious

estimate of our true interests, uninfluenced by considerations foreign to the public good. But this is more ardently to be wished for than seriously to be expected. The plan offered to our deliberation affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects extrenuous to its merits, and of views, passions and prejudices little favorable to the discovery of truth. Among the most formidable of the obstacles which the new Constitution will have to encounter, may readily be distinguished the obvious interest of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument, and consequence of the offices they hold under the State establishments, and the perverted ambition of another class of men, who will either hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies, than from its union under one government.

It is not, however, my design to dwell upon observations of this nature. I am aware it would be disingenuous to resolve indiscriminately the opposition of any set of men into interested or ambitious views, merely because their situations might subject them to suspicion. Candor will oblige us to admit, that even such men may be actuated by upright intentions; and it cannot be doubted that much of the opposition, which has already shown itself or that may hereafter make its appearance, will spring from sources blameless at least, if not respectable—the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions of the first magnitude to society. This circumstance, if duly attended

to, would always furnish a lesson of moderation to those, who are engaged in any controversy, however well persuaded of being in the right. And a further reason for caution in this respect, might be drawn from the reflection that we are not always sure that those who advocate the truth are actuated by purer principles than their antagonist. Ambition, avarice, personal animosity, party opposition, and many other motives, not more laudable than these, are apt to operate as well upon those who support, as upon those who oppose, the right side of a question. Were there not even these inducements to moderation, nothing could be more ill-judged than that intolerant spirit, which has, at all times, characterized political parties. For, in politics as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

JOHN JAY ON DANGERS FROM ABROAD.

When the people of America reflect that the question now submitted to their determination is one of the most important that has engaged, or can well engage, their attention, the propriety of their taking a very comprehensive, as well as a very serious, view of it must be evident.

Nothing is more certain than the indispensable necessity of government; and it is equally undeniable, that wherever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration, therefore, whether it would conduce more to the interest of the people of America, that they should, for all general purposes, be one nation, under one federal government, than that they should divide themselves into separate confederacies, and give to the head of each the same kind of power which they are advised to place in one national government.

It has until lately been a received and uncontradicted opinion, that the prosperity of the people of America depended on their continuing firmly united, and the wishes, prayers and efforts of our best and wisest citizens have been constantly directed to that object. But politicians now appear, who insist that this opinion is erroneous, and that instead of looking for safety and happiness in union, we ought to seek it in a division of the States into distinct confederacies or sovereignties. However extraordinary this new doctrine may appear, it nevertheless has its advocates; and certain characters, who were formerly much opposed to it, are at present of the number. Whatever may be the arguments or inducements which have wrought this change in the sentiments and declarations of these gentlemen, it certainly would not be wise in the people at large to adopt these new political tenets, without being fully convinced that they are founded in truth and sound policy.

It has often given me pleasure to observe, that independent America was not composed of detached and distant territories, but that one connected, fertile, wide-spread country, was the portion of our western sons of liberty. Providence has in a particular manner blessed it with a variety of soils and productions, and watered it with innumerable streams, for the delight and accommodation of its inhabitants. A succession of navigable waters form a kind of chain round its borders as if to bind it together; while the most noble rivers in the world, running at convenient distance, present him with highways for the easy communication of friendly aid, and the mutual transportation and exchange of their various commodities.

With equal pleasure I have as often taken notice that

Providence has been pleased to give this one connected country to one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint councils, arms and efforts, fighting side by side, throughout a long and bloody war, have nobly established their general liberty and independence.

This country and this people seem to have been made for each other, and it appears as if it was the design of Providence, that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties.

Similar sentiments have hitherto prevailed among all orders and denominations of men among us. To all general purposes, we have enjoyed the same national rights, privileges, and protection.

As a nation we have made peace and war; as a nation we have vanquished our common enemies; as a nation we have formed alliances and made treaties, and entered into various compacts and conventions with foreign states. A strong sense of the values and blessings of union induced the people, at a very early period, to institute a feeble government to preserve and perpetuate it. They formed it almost as soon as they had a political existence, nay, at a time when their habitations were in flames, when many of them were bleeding in the field, and when the progress of hostility and desolation left little room for those calm and mature inquiries and reflections, which must ever precede the formation of a wise and well-balanced government for a free people. It is not to be wondered at, that a government instituted in times so inauspicious, should on experiment be found greatly deficient, and inadequate to the purpose it was intended to answer.

This intelligent people perceived and regretted these defects. Still continuing no less attached to union than enamored of liberty, they observed the danger which immediately threatened the former and more remotely the latter; and being persuaded that ample security for both could only be found in a national government more wisely framed, they, as with one voice, convened the late Convention at Philadelphia, to take that important subject under consideration.

This Convention, composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue, and wisdom in times which tried the souls of men, undertook the arduous task. In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool, uninterrupted and daily consultations; and finally, without having been awed by power, or influenced by any passions, except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous councils.

Admit, for so is the fact, that this plan is only recommended, not imposed, yet let it be remembered, that it is neither recommended to blind approbation, nor to blind reprobation; but to that sedate and candid consideration, which the magnitude and importance of the subject demands, and which it certainly ought to receive. But, as has been already remarked, it is more to be wished than expected, that it may be so considered and examined. Experience on a former occasion teaches us not to be too sanguine in such hopes. It is not yet forgotten that well grounded apprehensions of imminent danger induced the people of America to form the memorable Congress of 1774. That body recommended certain measures to their constituents, and the event proved their wisdom; yet it is fresh in our memories, how soon the press began to teem with pamphlets and weekly papers against those very measures.

Not only many of the officers of government, who obeyed

the dictates of personal interest, but others, from a mistaken estimate of consequences, from the undue influence of ancient attachments, or whose ambition aimed at objects which did not correspond with the public good, were indefatigable in their endeavors to persuade the people to reject the advice of that patriotic Congress. Many, indeed, were deceived and deluded, but the great majority reasoned and decided judiciously; and happy they are in reflecting that they did so.

They considered that the Congress was composed of many wise and experienced men. That being convened from different parts of the country, they brought with them and communicated to each other a variety of useful information. That in the course of the time they passed together in inquiring into and discussing the true interest of their country, they must have acquired very accurate knowledge on that head. That they were individually interested in the public liberty and prosperity, and therefore that it was not less their inclination than their duty, to recommend such measures only as, after the most mature deliberation, they really thought prudent and advisable.

These and similar considerations then induced the people to rely greatly on the judgment and integrity of the Congress; and they took their advice, notwithstanding the various arts and endeavors used to deter and dissuade them from it. But if the people at large had reason to confide in the men of that Congress, few of whom had then been fully tried or generally known, still greater reason have they now to respect the judgment and advice of the convention; for it is well known that some of the most distinguished members of that Congress, who have been since tried and justly approved for patriotism and abilities, and who have grown old in acquiring political information, were also members of this Convention, and carried into it their accumulated knowledge and experience.

It is worthy of remark, that not only the first, but every succeeding Congress, as well as the late Convention, have

invariably joined with the people in thinking that the prosperity of America depended on its union. To preserve and perpetuate it, was the great object of the people in forming that Convention, and it is also the great object of the plan which the Convention has advised them to adopt. With what propriety, therefore, or for what good purposes, are attempts at this particular period made, by some men, to deprecate the importance of the Union? Or, why is it suggested that three or four confederacies would be better than one? I am persuaded in my own mind that the people have always thought right on this subject, and that their universal and uniform attachment to the cause of the Union, rests on great and weighty reasons. They who promote the idea of substituting a number of distinct confederacies in the room of the plan of the convention, seem clearly to foresee that the rejection of it would put the continuance of the Union in the utmost jeopardy. That certainly would be the case; and I sincerely wish that it may be as clearly foreseen by every good citizen, that whenever the dissolution of the Union arrives, America will have reason to exclaim in the words of the poet—Farewell! a long *farewell to all my greatness!*

HAMILTON ON THE EVILS OF THE OLD CONFEDERATION.

We may indeed, with propriety, be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride, or degrade the character, of an independent people, which we do not experience. Are there engagements, to the performance of which we are held by every tie respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners, and to our own citizens, contracted in a time of imminent peril, for the pres-

ervation of our political existence. These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which, by express stipulations, ought long since to have been surrendered? These are still retained, to the prejudice of our interests not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasure, nor government. Are we even in a condition to remonstrate with dignity? The just imputations on our own faith, in respect to the same treaty, ought first to be removed. Are we entitled, by nature and compact, to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers, a safeguard against foreign encroachments? The imbecility of our Government even forbids them to treat with us; our ambassadors abroad are the mere pageants of mimic sovereignty. Is a violent and unnatural decrease in the value of land, a symptom of national distress? The price of improved land, in most parts of the country, is much lower than can be accounted for by the quantity of waste land at market, and can only be fully explained by that want of private and public confidence, which are so alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind, which relates to borrowing and lending, is reduced within the narrowest limits, and this still more from an opinion

of insecurity than from a scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded, what indication is there of national disorder, poverty, and insignificance, that could befall a community so peculiarly blessed with natural advantages as we are, which does not form a part of the dark catalogue of our public misfortunes? This is the melancholy situation to which we have been brought by those very maxims and counsels, which would now deter us from adopting the proposed Constitution; and which, not content with having conducted us to the brink of a precipice, seem resolved to plunge us into the abyss that awaits us below. Here, my countryman, impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, our tranquility, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced us from the path of felicity and prosperity.

A circumstance which crowns the defects of the confederation remains yet to be mentioned—the want of a judiciary power.

Laws are a dead letter, without courts to expound and define their true meaning and operation. The treaties of the United States, to have any force at all, must be considered as part of the law of the land. Their true import, as far as respects individuals, must, like all other laws, be ascertained by judicial determinations. To produce uniformity in these determinations, they ought to be submitted, in the last resort, to one supreme tribunal. And this tribunal ought to be instituted under the same authorities which form the treaties themselves. These ingredients are both indispensable. If there is in each State a court of final jurisdiction, there may be as many different final

determinations on the same point as there are courts. There are endless diversities in the opinions of men. We often see not only different courts, but the judges of the same court, differing from each other. To avoid the confusion which would unavoidably result from the contradictory decisions of a number of independent judicatories, all nations have found it necessary to establish one tribunal paramount to the rest, possessing a general superintendence, and authorized to settle and declare in the last resort a uniform rule of civil justice.

TENDENCY OF UNION TO SUPPRESS FACTION—MADISON.

Among the numerous advantages promised by a well constructed union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality to contend that they have as effectually obviated the danger on this side as was wished and expected.

Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public

and private faith, and of public and personal liberty, that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxious we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labor have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and particularly for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations.

MADISON ON THE POWERS OF THE CONVENTION.

The first question that offers itself is, whether the general form and aspect of the government be strictly republican? It is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution, or with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government. If the plan of the convention, therefore, be found to depart from the the republican character, its advocates must abandon it as no longer defensible.

What then are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles, but in the application of the term by

political writers, to the Constitutions of different States, no satisfactory one would ever be found.

Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised, in the most absolute manner, by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in the worst forms, has been dignified with the same appellation. The Government of England, which has one republican branch only, combined with an hereditary aristocracy and monarchy, has, with equal inpropriety, been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political disquisitions. If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is essential to such a government that it be derived from the great body of the society; not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is sufficient for such a government, that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized, or well executed, would be degraded from the

republican character. According to the Constitution of every State in the Union, some one or other of the officers of Government are appointed indirectly only by the people. According to most of them, the Chief Magistrate himself is so appointed. And according to one, this mode of appointment is extended to one of the co-ordinate branches of the Legislature. According to all the Constitutions also, the tenure of the highest officers is extended to a definite period, and in many instances, both within the Legislative and Executive departments, to a period of years. According to the provisions of most of the Constitutions, again, as well as according to the most respectable and received opinions on the subject, the members of the judiciary department are to retain their offices by the firm tenure of good behavior.

On comparing the Constitution planned by the convention with the standard here fixed, we perceive at once that it is, in the most rigid sense, conformable to it. The House of Representatives, like that of one branch at least of the State Legislatures, is elected immediately by the great body of the people. The Senate, like the present Congress and the Senate of Maryland, derives its appointments indirectly from the people. The President is indirectly derived from the choice of the people, according to the example in most of the States. Even the judges, with all other officers of the Union, will, as in the several States, be the choice, though a remote choice, of the people themselves. The duration of the appointments is equally conformable to the republican standard, and to the model of the State Constitutions. The House of Representatives is periodically elective, as in all the States; and for the period of two years, as in the State of South Carolina. The Senate is elective, for the period of six years; which is but one year more than the period of the Senate of Maryland, and but two more than that of the Senates of New York and Virginia. The President is to continue in office for the period of four years; as in New

York and Delaware, the Chief Magistrate is elected for three years, and in South Carolina for two years. In the other States the election is annual. In several of the States, however, no explicit provision is made for the impeachment of the Chief Magistrate; and in Delaware and Virginia he is not impeachable till out of office. The President of the United States is impeachable at any time during his continuance in office. The tenure by which the judges are to hold their places is, as it unquestionably ought to be, that of good behavior. The tenure of the ministerial offices generally will be a subject of legal regulation, conformable to the reason of the case and the example of the State Constitutions.

Could any further proof be required of the republican complexion of this system, the most decisive one might be found in its absolute prohibition of titles of nobility, both under the Federal and the State governments, and in its express guaranty of the republican form to each of the latter.

But it was not sufficient, say the adversaries of the proposed Constitution, for the convention to adhere to the republican form, which regards the union as a confederacy of sovereign states; instead of which they have framed a national government, which regards the union as a consolidation of the States. And it is asked by what authority this bold and radical innovation was undertaken? The handle which has been made of this objection requires that it should be examined with some precision.

Without inquiring into the accuracy of the distinction on which the objection is founded, it will be necessary to a just estimate of its force, first, to ascertain the real character of the government in question; secondly, to inquire how far the convention were authorized to propose such a government; and, thirdly, how far the duty they owed to their country could supply any defect of regular authority.

First. In order to ascertain the real character of the government, it may be considered in relation to the foundation on which it is to be established; to the sources from which its ordinary powers are drawn; to the operation of those powers; to the extent of them; and to the authority by which future changes in the government are to be introduced.

On examining the first relation, it appears, on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority in each State, the authority of the people themselves. The act, therefore, establishing the Constitution, will not be a national, but a federal act. That it will be a federal, and not a national act, as these terms are understood by the objectors, the act of the people, as forming so many independent States, not as forming one aggregate nation, is obvious from this single consideration, that it is to result neither from the decision of a majority of the people of the Union, nor from that of a majority of the States. It must result from the unanimous assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed, not by the legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority; in the same manner as the majority in each State must bind

the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States, as evidence of the will of the majority of the people of the United States. Neither of these rules has been adopted. Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a *federal* and not a *national* Constitution.

The next relation is, to the sources from which the ordinary powers of government are to be derived. The House of Representatives will derive its powers from the people of America, and the people will be represented in the same proportion, and on the same principle, as they are in the Legislature of a particular State. So far the government is *national*, not *federal*. The Senate, on the other hand, will derive its powers from the States, as political and coequal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the government is *federal*, not *national*. The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies; partly as unequal members of the same society. The eventual election, again, is to be made by that branch of the legislature which consists of the national representatives; but in this particular act, they are to be thrown into the form of individual delegations, from so many distinct and coequal bodies politic. From this aspect of the government, it appears to be of a mixed character, presenting at least as many *federal* as *national* features. The difference between a federal and national government, as

it relates to the *operation of the government*, is by the adversaries of the plan of the Convention supposed to consist in this, that in the former, the powers operate on the political bodies composing the Confederacy, in their political capacities; in the latter, on the individual citizens composing the nation, in their individual capacities. On trying the Constitution by this criterion, it falls under the *national*, not the *federal* character, though perhaps not so completely as has been understood. In several cases, and particularly in the trial of controversies to which States may be parties, they must be viewed and proceeded against in their collective and political capacities only. But the operation of the government on the people in their individual capacities, in its ordinary and most essential proceedings, will, on the whole, in the sense of its opponents, designate it, in this relation, a *national* government.

But if the government be national, with regard to the *operation* of its powers, it changes its aspect again when we contemplate it in relation to the extent of its powers. The idea of a national government involves in it, not only an authority over the individual citizen, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation, this supremacy is completely vested in the national legislature. Among communities united for particular purposes, it is vested partly in the general and partly in the municipal legislatures. In the former case, all local authorities are subordinate to the supreme, and may be controlled, directed, or abolished by it at pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority, than the general authority is subject to them within in its own sphere. In this relation, then, the proposed government cannot be deemed a *national* one; since

its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects. It is true, that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide is to be established under the general government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword, and a dissolution of the compact; and that it ought to be established under the general, rather than under the local government; or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combatted.

If we try the Constitution by its last relation, to the authority by which amendments are to be made, we find it neither wholly *national* nor wholly *federal*. Were it wholly national, the supreme and ultimate authority would reside in the majority of the people of the Union; and this authority would be competent at all times, like that of a majority of every national society, to alter or abolish its established government. Were it wholly federal, on the other hand, the concurrence of each State in the Union would be essential to every alteration that would be binding on all. The mode provided by the plan of the convention, is not founded on either of these principles. In requiring more than a majority, and particularly in computing the proportion by *States*, not by *citizens*, it departs from the *national* and advances towards the *federal* character. In rendering the concurrence of less than the whole number of States sufficient, it loses again the *federal*, and partakes of the *national* character.

The proposed Constitution, therefore, even when tested

by the rules laid down by its antagonists, is, in strictness, neither a *national* nor a *federal* Constitution; but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again, it is federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national.

THE MAXIM WHICH REQUIRES A SEPARATION OF THE DEPARTMENTS OF POWER, BY MADISON.

One of the principle objections inculcated by the more respectable adversaries to the Constitution, is its supposed violation of the political maxim, that the legislative, executive and judiciary departments ought to be separated and distinct. In the structure of the federal government, no regard, it is said, seems to have been paid to this essential precaution in favor of liberty. The several departments of power are distributed and blended in such a manner as at once to destroy all symmetry and beauty of form; and to expose some of the essential parts of the edifice to the danger of being crushed by the disproportionate weight of other parts.

No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty, than that on which the objection is founded. The accumulation of all power, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal Constitution, therefore, really chargeable with this accumulation of power, or with a mixture of powers, having a dangerous tendency to such

an accumulation, no further arguments would be necessary to inspire a universal reprobation of that system. I persuade myself, however, that it will be made apparent to every one, that the charge cannot be supported, and that the maxim on which it relies has been totally misconceived and misapplied. In order to form correct ideas on this important subject, it will be proper to investigate the sense in which the preservation of liberty requires that these three great departments of power should be separate and distinct.

The oracle who is always consulted and cited on this subject, is the celebrated Montesquieu. If he be not the author of this invaluable precept in the science of politics, he has the merit at least of displaying and recommending it most effectively to the attention of mankind. Let us endeavor, in the first place, to ascertain his meaning on this point.

The British Constitution was to Montesquieu what Homer has been to the didactic writers on epic poetry. As the latter have considered the work of the immortal bard as the perfect model from which the principles and rules of the epic art were to be drawn, and by which all similar works were to be judged; so this great political critic appears to have viewed the Constitution of England as the standard, or to use his own expression, as the mirror of political liberty; and to have delivered, in the form of elementary truths, the several characteristic principles of that particular system. That we may be sure, then, not to mistake his meaning in this case, let us recur to the source from which the maxim was drawn.

On the slightest view of the British Constitution, we must perceive that the legislative, executive and judiciary departments, are by no means totally separate and distinct

from each other. The executive magistrate forms an integral part of the legislative authority. He alone has the prerogative of making treaties with foreign sovereigns, which, when made, have, under certain limitations, the force of legislative acts. All the members of the judiciary department are appointed by him; can be removed by him on the address of the two houses of Parliament, and form, when he pleases to consult them, one of his constitutional councils. One branch of the legislative department forms also a great constitutional council to the executive chief; as on another hand, it is the sole depository of judicial power in cases of impeachment, and is invested with the supreme appellate jurisdiction in all other cases.

The judges, again, are so far connected with the legislative department as often to attend and participate in its deliberations, though not admitted to a legislative vote.

From these facts, by which Montesquieu was guided, it may clearly be inferred that in saying "there can be no liberty where the legislative and executive powers are united in the same person or body of magistrates;" or, "if the power of judging be not separated from the legislative and executive powers," he did not mean that these departments ought to have no partial agency in, or no control over the acts of each other. His meaning, as his own words import, and still more conclusively as illustrated by the example in his eye, can amount to no more than this, that where the whole power of one department is exercised by the same hands which possess the whole power of another department, the fundamental principles of a free constitution are subverted. This would have been the case in the constitution examined by him, if the King, who is the sole executive magistrate, had possessed also the complete legislative power, or the supreme administration of justice; or if the entire legislative body had possessed the supreme judiciary, or the supreme executive

authority. This, however, is not among the vices of that constitution. The magistrate, in whom the whole executive power resides, cannot of himself make a law, though he can put a negative on every law; nor administer justice in person, though he has the appointment of those who do administer it. The judges can exercise no executive prerogative, though they are shoots from the executive stock; nor any legislative function, though they may be advised with by the legislative councils. The entire legislature can perform no judiciary act; though by the joint act of two of its branches, the judges may be removed from their offices; and though one of its branches is possessed of the judicial power in the last resort. The entire legislature again can exercise no executive prerogative, though one of its branches constitutes the supreme executive magistracy; and another, on the impeachment of a third, can try and condemn all the subordinate officers in the executive department.

The reasons on which Montesquieu grounds his maxim are a further demonstration of his meaning. "When the legislative and executive powers are united in the same person or body," says he, "there can be no liberty, because apprehensions may arise lest the same monarch or senate should *enact* tyrannical laws to *execute* them in a tyrannical manner." Again, "Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for *the judge* would then be *the legislator*. Were it joined to the executive power, the *judge* might behave with all the violence of *an oppressor*." Some of these reasons are more fully explained in other passages; but briefly stated as they are here, they sufficiently establish the meaning which we have put on this celebrated maxim of this celebrated author.

If we look into the Constitutions of the several States, we find, that, notwithstanding the emphatical, and in some in-

stances, the unqualified terms in which this axiom has been laid down, there is not a single instance in which the several departments of power have been kept absolutely separate and distinct. New Hampshire, whose Constitution was the last formed, seems to have been fully aware of the impossibility and inexpediency of avoiding any mixture whatever of these departments; and has qualified the doctrine by declaring “that the legislative, executive and judiciary powers ought to be kept as separate from, and independent of each other, *as the nature of a free government will admit; or as is consistent with that chain of connection, that binds the whole fabric of the Constitution in one indissoluble bond of unity and amity.*” Her Constitution accordingly mixes these departments in several respects. The Senate, which is a branch of the legislative department, is also a judicial tribunal for the trial of impeachments. The President, who is the head of the executive department, is the presiding member also of the Senate; and, besides an equal vote in all cases, has a casting vote in case of a tie. The Executive head is himself eventually elective every year by the legislative department; and his council is every year chosen by and from the members of the same department. Several of the officers of State are also appointed by the Legislature. And the members of the judiciary department are appointed by the Executive department.

The Constitution of Massachusetts has observed a sufficient, though less pointed caution, in expressing this fundamental article of liberty. It declares, “that the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them.” This declaration corresponds precisely with the doctrine of Montesquieu, as it has been explained, and is not in a single point violated by the plan

of the convention. It goes no farther than to prohibit any one of the entire departments from exercising the powers of another department. In the very Constitution to which it is prefixed, a partial mixture of powers has been admitted. The Executive Magistrate has a qualified negative on the legislative body; and the Senate, which is a part of the Legislature, is a court of impeachment for members both of the executive and judicial departments. The members of the judiciary department, again, are appointable by the executive department, and removable by the same authority, on the address of the two legislative branches. Lastly, a number of the officers of Government are annually appointed by the legislative department. As the appointment to offices, particularly executive offices, is in its nature an executive function, the compilers of the Constitution have, in this last point at least, violated the rule established by themselves.

I pass over the Constitutions of Rhode Island and Connecticut, because they were formed prior to the revolution; and even before the principle under examination had become an object of political attention.

The Constitution of New York contains no declaration on this subject; but appears very clearly to have been framed with an eye to the danger of improperly blending the different departments. It gives, nevertheless, to the Executive Magistrate, a partial control over the legislative department; and, what is more, gives a like control to the judiciary department; and even blends the executive and judiciary departments in the exercise of this control. In its council of appointment, members of the legislative are associated with the executive authority, in the appointment of officers, both executive and judiciary. And its court for the trial of impeachments and correction of errors, is to consist of one branch of the legislature and the principal members of the judiciary department.

The Constitution of New Jersey has blended the different

powers of Government more than any of the preceding. The Governor, who is the Executive Magistrate, is appointed by the Legislature; is chancellor and ordinary, or surrogate of the State; is a member of the supreme court of appeals, and president with a casting vote of one of the legislative branches. The same legislative branch acts again as executive council of the Governor, and with him constitutes the court of appeals. The members of the judiciary department are appointed by the legislative department, and removable by one branch of it on the impeachment of the other.

According to the Constitution of Pennsylvania,* the president, who is head of the executive department, is annually elected by a vote in which the legislative department predominates. In conjunction with an executive council, he appoints the members of the judiciary department, and forms a court of impeachment for trial of all officers, judiciary as well as executive. The judges of the supreme court, and justices of the peace, seem also to be removable by the legislature; and the executive power of pardoning in certain cases to be referred to the same department. The members of the executive council are made *ex officio* justices of peace throughout the State.

In Delaware,* the chief executive magistrate is annually elected by the legislative department. The speakers of the two legislative branches are vice-presidents in the executive department. The executive chief, with six others, appointed, three by each of the legislative branches, constitute the supreme court of appeals; he is joined with the legislative department in the appointment of the other judges. Throughout the States, it appears the members of the legislature may at the same time be justices of the peace. In this State, the members of one branch of it are *ex officio* justices of the peace; as are also the members of the executive council. The principal officers of the executive department are ap-

* The Constitutions of these States have been since altered.

pointed by the legislative ; and one branch of the latter forms a court of impeachments. All officers may be removed on address of the legislature.

Maryland has adopted the maxim in the most unqualified terms ; declaring that the legislative, executive and judicial powers of government ought to be forever separate and distinct from each other. Her constitution, notwithstanding, makes the executive magistrate appointable by the legislative department ; and the members of the judiciary by the executive department.

The language of Virginia is still more pointed on this subject. Her constitution declares " that the legislative, executive and judicial departments shall be separate and distinct ; so that neither exercise the powers properly belonging to the other ; nor shall any person exercise the powers of more than one of them at the same time ; except that the justices of county courts shall be eligible to either house of assembly." Yet we find not only this express exception, with respect to the members of the inferior courts, but that the chief magistrate, with his executive council, are appointable by the legislature ; that two members of the latter are triennially displaced at the pleasure of the legislature ; and that all the principal offices, both executive and judiciary, are filled by the same department. The executive prerogative of pardoning, also, is in one case vested in the legislative department.

The constitution of North Carolina, which declares " that the legislative, executive and supreme judicial powers of government ought to be forever separate and distinct from each other," refers at the same time to the legislative department, the appointment not only of the executive chief, but all the principal officers within both that and the judiciary department.

In South Carolina, the constitution makes the executive magistracy eligible by the legislative department. It gives to the latter, also, the appointment of the members of the ju-

diciary department, including even justices of the peace and sheriffs ; and the appointment of officers in the executive department, down to captains in the army and navy of the state.

In the constitution of Georgia, where it is declared “ that the legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other,” we find that the executive department is to be filled by appointments of the legislature ; and the executive prerogative of pardoning to be finally exercised by the same authority. Even justices of the peace are to be appointed by the legislature.

In citing these cases in which the legislative, executive, and judiciary departments, have not been kept totally separate and distinct, I wish not to be regarded as an advocate for the particular organizations of the several State governments. I am fully aware, that among the many excellent principles which they exemplify, they carry strong marks of the haste, and still stronger of the inexperience, under which they were framed. It is but too obvious, that in some instances, the fundamental principle under consideration, has been violated by too great a mixture, and even an actual consolidation of the different powers ; and that in no instance has a competent provision been made for maintaining in practice the separation delineated on paper. What I have wished to evince is, that the charge brought against the proposed Constitution, of violating a sacred maxim of free government, is warranted neither by the real meaning annexed to that maxim by its author, nor by the sense in which it has hitherto been understood in America. This interesting subject will be resumed in the ensuing paper.

PUBLIUS.

THE SAME SUBJECT CONTINUED, WITH A VIEW TO THE MEANS OF
GIVING EFFICACY IN PRACTICE TO THAT MAXIM.

It was shown in the last paper, that the political apothegm there examined, does not require that the legislative, executive and judiciary departments should be wholly unconnected with each other. I shall undertake, in the next place, to show that, unless these departments be so far connected and blended, as to give to each a constitutional control over the others, the degree of separation which the maxim requires, as essential to a free government, can never in practice be duly maintained.

It is agreed on all sides, that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident that neither of them ought to possess, directly or indirectly, an overruling influence over the others in the administration of their respective powers. It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive or judiciary; the next, and most difficult task, is to provide some practical security for each, against the invasion of the others. What this security ought to be, is the great problem to be solved.

Will it be sufficient to mark, with precision, the boundaries of these departments, in the constitution of the government, and to trust to these parchment barriers against the encroaching spirit of power? This is the security which appears to have been principally relied on by the compilers of most of the American constitutions. But experience assures us, that the efficacy of the provision has been greatly overrated; and that some more adequate defense is indispensably necessary for the more feeble,

against the more powerful members of the government. The legislative department is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex.

The founders of our republics have so much merit for the wisdom which they have displayed, that no task can be less pleasing than that of pointing out the errors into which they have fallen. A respect for truth, however, obliges us to remark, that they seem never for a moment to have turned their eyes from the danger to liberty, from the overgrown and all-grasping prerogative of an hereditary magistrate, supported and fortified by an hereditary branch of the legislative authority. They seem never to have recollected the danger from legislative usurpations, which, by assembling all power in the same hands, must lead to the same tyranny as is threatened by executive usurpations.

In a government where numerous and extensive prerogatives are placed in the hands of an hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. In a democracy, where a multitude of people exercise in person the legislative functions, and are continually exposed, by their incapacity for regular deliberation and concerted measures, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended on some favorable emergency, to start up in the same quarter. But in a representative republic, where the executive magistracy is carefully limited, both in the extent and the duration of its power; and where the legislative power is exercised by an assembly, which is inspired by a supposed influence over the people, with an intrepid confidence in its own strength; which is sufficiently numerous to feel all the passions which actuate a multitude; yet not so numerous as be incapable of pursuing the objects of its passions, by means which reason

prescribes; it is against the enterprising ambition of this department, that the people ought to indulge all their jealousy, and exhaust all their precautions.

The legislative department derives a superiority in our governments from other circumstances. Its constitutional powers being at once more extensive, and less susceptible of precise limits, it can, with the greater facility, mask, under complicated and indirect measures, the encroachments which it makes on the coördinate departments. It is not unfrequently a question of real nicety in legislative bodies, whether the operation of a particular measure will, or will not extend beyond the legislative sphere. On the other side, the executive power being restrained within a narrower compass, and being more simple in its nature; and the judiciary being described by landmarks, still less uncertain, projects of usurpation by either of these departments would immediately betray and defeat themselves. Nor is this all: as the legislative department alone has access to the pockets of the people, and has in some constitutions full discretion, and in all a prevailing influence over the pecuniary rewards of those who fill the other departments; a dependence is thus created in the latter, which gives still greater facility to encroachments of the former.

I have appealed to our own experience for the truth of what I advance on this subject. Were it necessary to verify this experience by particular proofs, they might be multiplied without end. I might collect vouchers in abundance from the records and archives of every State in the Union. But as a more concise, and at the same time equally satisfactory evidence, I will refer to the example of two States, attested by two unexceptionable authorities.

The first example is that of Virginia, a State which, as we have seen, has expressly declared in its constitution,

that the three great departments ought not to be intermixed. The authority in support of it is Mr. Jefferson, who, besides his other advantages for remarking the operation of the government, was himself the chief magistrate of it. In order to convey fully the ideas with which his experience had impressed him on the subject, it will be necessary to quote a passage of some length from his very interesting "Notes on the State of Virginia," page 195. "All the powers of government, legislative, executive and judiciary, result to the legislative body. The concentrating these in the same hands, is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. One hundred and seventy-three deposits would surely be as oppressive as one. Let those who doubt it, turn their eyes on the republic of Venice. As little will it avail us, that they are chosen by ourselves. An *elective despotism* was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others. For this reason, that convention which passed the ordinance of government, laid its foundation on this basis, that the legislative, executive, and judiciary departments, should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. *But no barrier was provided between these several powers.* The judiciary and executive members were left dependent on the legislative for their subsistence in office, and some of them for their continuance in it. If, therefore, the legislature assumes executive and judiciary powers, no opposition is likely to be made; nor, if made, can be effectual; because in that case, they may put their pro-

ceedings into the form of an act of assembly, which will render them obligatory on the other branches. They have accordingly, in many instances, *decided rights*, which should have been left to *judiciary controversy*; and *the direction of the executive, during the whole time of their session, is becoming habitual and familiar.*"

The other State, which I shall take for an example, is Pennsylvania; and the other authority, the council of censors which assembled in the years 1783 and 1784. A part of the duty of this body, as marked out by the constitution, was "to inquire, whether the constitution had been preserved inviolate in every part; and whether the legislative and executive branches of government had performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are entitled to by the constitution." In the execution of this trust, the council were necessarily led to a comparison of both the legislative and executive proceedings, with the constitutional powers of these departments: and from the facts enumerated, and to the truth of most of which both sides in the council subscribed, it appears, that the constitution has been flagrantly violated by the legislature in a variety of important instances.

A great number of laws had been passed, violating, without any apparent necessity, the rule requiring that all bills of a public nature shall be previously printed for the consideration of the people; although this is one of the precautions chiefly relied on by the constitution against improper acts of the legislature.

The constitutional trial by jury had been violated; and powers assumed, which had not been delegated by the constitution.

Executive powers had been usurped.

The salaries of the judges, which the constitution expressly requires to be fixed, had been occasionally varied;

and cases belonging to the judiciary department frequently drawn within legislative cognizance and determination.

Those who wish to see the several particulars falling under each of these heads, may consult the journals of the council, which are in print. Some of them, it will be found, may be imputable to peculiar circumstances connected with the war: but the greater part of them may be considered as the spontaneous shoots of an ill-constituted government.

It appears, also, that the executive department had not been innocent of frequent breaches of the constitution. There are three observations, however, which ought to be made on this head: *First.* A great proportion of the instances were either immediately produced by the necessities of the war, or recommended by Congress or the commander-in-chief: *Second.* In most of the other instances, they conformed either to the declared or the known sentiments of the legislative department; *Third.* The executive department of Pennsylvania is distinguished from that of the other States, by the number of members composing it. In this respect, it has as much affinity to a legislative assembly, as to an executive council. And being at once exempt from the restraint of an individual responsibility for the acts of the body, and deriving confidence from mutual example and joint influence; unauthorized measures would of course be more freely hazarded, than where the executive department is administered by a single hand, or by a few hands.

The conclusion which I am warranted in drawing from these observations is, that a mere demarcation on parchment of the constitutional limits of the several departments, is not a sufficient guard against those encroachments which lead to a tyrannical concentration of all the powers of government in the same hands.

PUBLIUS.

FAREWELL ADDRESS OF GEORGE WASHINGTON,
PRESIDENT,
TO THE PEOPLE OF THE UNITED STATES,
SEPTEMBER 17, 1796.

Friends and Fellow-citizens:

The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprize you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a

uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say, that I have with good intentions contributed towards the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes—perhaps still more in the eyes of others—has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me, more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgement of that debt of

gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious, vicissitudes of fortune often discouraging; in situations in which, not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with the idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the per-

manency of your felicity as a people. These will be afforded to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence—the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth: as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of *American*, which belongs to you in your national

capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest; here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds, in the production of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow, and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in like intercourse with the West, already finds, and in the progressive improvement of interior communication, by land and water, will more and more find, a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed

by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and imbitter. Hence, likewise, they will avoid the necessity of those over-grown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is that your union ought to be considered as a main prop to your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of government for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while

experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those, who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern—Atlantic and Western : whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations ; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head ; they have seen in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions promulgated among them, of a policy in the General Government, and in the Atlantic States, unfriendly to their interests in regard to the Mississippi : they have been witnesses to the formation of two treaties—that with Great Britain, and that with Spain—which secure to them every thing they could desire in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured ? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens ?

To the efficacy and permanency of your Union, a Government for the whole is indispensable. No alliance, however strict between the parts, can be an adequate substitute ; they

must inevitably experience the infractions and interruptions which all alliances, in all time, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of Government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The bases of our political systems, is the right of the people to make and to alter their Constitutions of Government: but the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish Government, pre-supposes the duty of every individual to obey the established Government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive to this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of

consistent and wholesome plans, digested by common counsels, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of Government; destroying, afterwards, the very engines which had lifted them to unjust dominion.

Towards the preservation of your Government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a Government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a Government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the Government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the

secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes, in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which, nevertheless, ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection. It opens the door to foreign influence and cor-

ruption, which find a facilitated access to the Government itself, through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties, in free countries, are useful checks upon the administration of the Government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in Governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal, against invasions by the others, has been evinced by experiments, ancient and modern; some of them in our own country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the

opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true, that virtue or morality is a necessary spring of popular Government. The rule, indeed, extends with more or less force to every species of free Government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion

as the structure of a Government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned; not ungenerously throwing upon posterity the burdens which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that

Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection; either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions—obstinate, envenomed and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often (sometimes perhaps the liberty) of nations has been the victim.

So, likewise, a passionate attachment of one nation to another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the

concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray, or sacrifice the interest of their own country, without odium; sometimes even with popularity; gilding with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the art of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil, and even second, the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with

them as little political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships and enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinions will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay, with a portion of its independence, for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure; which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigues, to guard against the impostures of pretended patri-

otism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records, and other evidences of my conduct, must witness to you and the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest, for observing that conduct, will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain

time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error; I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope, that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this, as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate, with pleasing expectation, that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free Government—the ever favorite object of my heart—and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

United States, 17th September, 1796.

INAUGURAL ADDRESS OF JOHN ADAMS,

PRESIDENT OF THE UNITED STATES—MARCH 4, 1797.

When it was first perceived, in early times, that no middle course for America remained between unlimited submission to a foreign legislature and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable power of fleets and armies they must determine to resist, than from those contests and dissensions which would certainly arise concerning the forms of government to be instituted over the whole and over the parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an over-ruling Providence, which had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present number, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

The zeal and ardor of the people, during the revolutionary war, supplying the place of government, commanded a degree of order, sufficient at least for the temporary preservation of society. The Confederation, which was early felt to be necessary, was prepared from the models of the

Batavian and Helvetic confederacies—the only examples which remain, with any detail and precision, in history, and certainly the only ones which the people at large had ever considered. But, reflecting on the striking difference, in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen, by some who assisted in Congress at the formation of it, that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals, but in States, soon appeared with their melancholy consequences; universal languor; jealousies and rivalries of States; decline of navigation and commerce; discouragement of necessary manufactures; universal fall in the value of lands and their produce; contempt of public and private faith; loss of consideration and credit with foreign nations; and, at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations, issued in the present happy constitution of government.

Employed in the service of my country abroad during the whole course of these transactions, I first saw the Constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public

debate, heated by no party animosity, I read it with great satisfaction, as the result of good heads, prompted by good hearts—as an experiment, better adapted to the genius, character, situation, and relations, of this nation and country, than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some States, my own native State in particular, had contributed to establish. Claiming a right of suffrage, in common with my fellow-citizens, in the adoption or rejection of a Constitution which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it, on all occasions, in public and in private. It was not then, nor has been since, any objection to it, in my mind, that the Executive and Senate were not more permanent. Nor have I ever entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and, by their representatives in Congress and the State legislatures, according to the Constitution itself, adopt and ordain.

Returning to the bosom of my country, after a painful separation from it, for ten years, I had the honor to be elected to a station under the new order of things, and I have repeatedly laid myself under the most serious obligations to support the Constitution. The operation of it has equalled the most sanguine expectations of its friends; and, from an habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity and happiness of the nation, I have acquired an habitual attachment to it and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love?

There may be little solidity in an ancient idea, that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences; but this is very certain, that, to a benevolent human mind, there can be no spectacle presented by any nation more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other chamber of Congress, of a government in which the executive authority, as well as that of all the branches of the legislature, are exercised by citizens selected at regular periods by their neighbors, to make and execute laws for the general good. Can anything essential, anything more than mere ornament or decoration, be added to this by robes and diamonds? Can authority be more amiable and respectable when it descends from accidents, or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people? For it is the people only that are represented; it is their power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours, for any length of time, is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object or consideration more pleasing than this can be presented to the human mind? If national pride is ever justifiable, or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information and benevolence.

In the midst of these pleasing ideas, we should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties—if anything partial or extraneous should infect the purity of our free, fair, virtuous and in-

dependent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party, through artifice or corruption, the government may be the choice of a party, for its own ends—not of the nation, for the national good. If that solitary suffrage can be obtained by foreign nations, by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves. And candid men will acknowledge that, in such cases, choice would have little advantage to boast of over lot or chance.

Such is the amiable and interesting system of government (and such are some of the abuses to which it may be exposed) which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations, for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nation, and secured immortal glory with posterity.

In that retirement which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind, the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of this country which is opening from year to year. His name may still be a rampart, and the knowledge that he lives a bulwark, against all open or secret enemies of his country's peace. This example has been recommended to the imitation of his successors, by

both Houses of Congress, and by the voice of the legislatures and the people throughout the nation.

On this subject it might become me better to be silent, or to speak with diffidence ; but, as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, That—

If a preference, upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth ; if an attachment to the Constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it ; if a respectful attention to the Constitutions of the individual States, and a constant caution and delicacy toward the State governments ; if an equal and impartial regard to the rights, interest, honor, and happiness, of all the States in the Union, without preference or regard to a northern or southern, or eastern or western position, their various political opinions on unessential points, or their personal attachments ; if a love of virtuous men, of all parties and denominations ; if a love of science and letters, and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion, among all classes of the people, not only for their benign influence on the happiness of life in all its stages and classes, and of society in all its forms, but as the only means of preserving our Constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, the profligacy of corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments ; if a love of equal laws, of justice, and humanity, in the interior administration ; if an inclination to improve agriculture, commerce, and manufactures for necessity, convenience, and defense ; if a spirit of equity and humanity towards the aboriginal na-

tions of America, and a disposition to meliorate their condition, by inclining them to be more friendly to us, and our citizens to be more friendly to them ; if an inflexible determination to maintain peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent powers of Europe which has been adopted by this government, and so solemnly sanctioned by both Houses of Congress, and applauded by the legislatures of the States and the public opinion, until it shall be otherwise ordained by Congress ; if a personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friendship which has been so much for the honor and interests of both nations ; if, while the conscious honor and integrity of the people of America, and the internal sentiment of their own power and energies, must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint ; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow-citizens, by whatever nation, and, if success cannot be obtained, to lay the facts before the Legislature, that they may consider what further measures the honor and interest of the Government and its constituents demand ; if a resolution to do justice, as far as may depend upon me, at all times and to all nations, and maintain peace, friendship, and benevolence, with all the world ; if an unshaken confidence in the honor, spirit, and resources of the American people, on which I have so often hazarded my all, and never been deceived ; if elevated ideas of the high destinies of this country, and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured, but exalted, by experience and age ; and, with humble reverence, I feel it to be my duty to add, if a veneration for the religion of a people who profess and

call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service,—can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavor that this sagacious injunction of the two houses shall not be without effect.

With this great example before me—with the sense and spirit, the faith and honor, the duty and interest, of the same American people, pledged to support the Constitution of the United States, I entertain no doubt of its continuance in all its energy, and my mind is prepared, without hesitation, to lay myself under the most solemn obligation to support it to the utmost of my power.

And may that Being who is supreme over all, the Patron of order, the Fountain of justice, and the Protector, in all ages of the world, of virtuous liberty, continue His blessing upon this nation and its Government, and give it all possible success and duration, consistent with the ends of his Providence!

INAUGURAL ADDRESS OF THOMAS JEFFERSON,

PRESIDENT OF THE UNITED STATES,

AT HIS FIRST TERM OF OFFICE—MARCH 4, 1801.

Friends and fellow-citizens :

Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land ; traversing all the seas with the rich productions of their industry ; engaged in commerce with nations who feel power and forget right ; advancing rapidly to destinies beyond the reach of mortal eye,—when I contemplate these transcendant objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see remind me that in the other high au-

thorities provided by our Constitution I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers, unused to think freely, and to speak and to write what they think ; but, this being now decided by the voice of the nation, announced, according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that, though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression. Let us, then, fellow-citizens unite with one heart and one mind ; let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect, that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world ; during the agonizing spasms of infuriated man, seeking, through blood and slaughter, his long lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore ; that this should be more felt and feared by some, and less by others, and should divide opinions

as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all republicans: we are all federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand, undisturbed, as monuments of the safety with which *error of opinion may be tolerated, where reason is left free to combat it*. I know, indeed, that some honest men fear that a republican government cannot be strong—that this Government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a Government which has so far kept us free and firm, on the theoretic and visionary fear that this Government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest Government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels, in the form of kings, to govern him? Let history answer this question.

Let us, then, with courage and confidence, pursue our own federal and republican principles—our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting, not from birth, but from our actions, and their sense of them; enlightened by a benign religion, professed, indeed, and prac-

tised; in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here, and his greater happiness hereafter,—with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens: a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend every thing dear and valuable to you, it is proper you should understand what I deem the essential principles of our Government, and, consequently, those which ought to shape its administration. I will compress them within the narrowest compass they will bear—stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the right of election by the people; a mild and safe corrective of abuses which are lopped by the sword of revolution, where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in

peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of public reason; freedom of religion, freedom of the press, and freedom of person, under the protection of the habeas corpus; and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touch-stone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which brought him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services has entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong, through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional, and your support against the

errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that Infinite power which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

INAUGURAL ADDRESS OF JAMES MADISON,

PRESIDENT OF THE UNITED STATES,

AT HIS FIRST TERM OF OFFICE—MARCH 4, 1809.

Gentlemen of the Senate and House of Representatives :

Unwilling to depart from examples of the most revered authority, I avail myself of the occasion now presented, to express the profound impression made upon me by the call of my country to the station, to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and responsibility allotted to me, are inexpressibly enhanced.

The present situation of the world is indeed without a parallel, and that of our country full of difficulties. The pressure of these two is the more severely felt, because they have fallen upon us at a moment when national prosperity, being at a height not before attained, the contrast resulting from this change has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations, whilst so

many of them have been engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivaled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue, and the use made of it in reducing the public debt; and in the valuable works and establishments everywhere multiplying over the face of our land.

It is a precious reflection, that the transition from this prosperous condition of our country to the scene which has for some time been distressing us, is not chargeable on any unwarrantable views, nor, as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or the repose of other nations, it has been the true glory of the United States to cultivate peace, by observing justice, and to entitle themselves to the respect of the nations at war, by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world, the truth of these assertions will not be questioned. Posterity, at least, will do justice to them.

This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced, equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued, in spite of the demonstrations that not even a pretext for them has been given by the United States, and of the fair and liberal attempts to induce a revocation of them, cannot be anticipated. Assuring myself that, under every vicissitude, the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me, with no other dis-

couragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction, it is because I find some support in a consciousness of the purposes, and a confidence in the principles which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations, having correspondent dispositions; to maintain sincere neutrality towards belligerent nations; to prefer, in all cases, amicable discussion and reasonable accommodation of differences, to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries, and so baneful to free ones; to foster a spirit of independence; too just to invade the rights of others; too proud to surrender our own; too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the States as the basis of their peace and happiness; to support the Constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people, as equally incorporated with, and essential to the success of the general system; to avoid the slightest interference with the rights of conscience, or the functions of religion, so wisely exempted from civil jurisdiction; to preserve, to their full energy, the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering, that an armed and trained militia is the firmest bulwark of republics; that without standing armies their liberty can never be in danger, nor, with large ones, safe; to promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as

internal commerce; to favor, in like manner, the advancement of science and the diffusion of information, as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors, from the degradation and wretchedness of savage life, to a participation of the improvements of which the human mind and manners are susceptible in a civilized state: As far as sentiments and intentions such as these can aid the fulfillment of my duty, they will be a resource which cannot fail me.

It is my good fortune, moreover, to have the path in which I am to tread, lighted by examples of illustrious services, successfully rendered in the most trying difficulties, by those who have marched before me. Of those of my predecessor, it might least become me here to speak—I may, however, be pardoned for not suppressing the sympathy, with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness. But the source to which I look for the aids, which alone can supply my deficiencies, is in the well-tryed intelligence and virtue of my fellow-citizens, and in the councils of those representing them in the other departments associated in the care of the national interests. In these my confidence will, under every difficulty, be best placed; next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

FAREWELL ADDRESS OF PRESIDENT JACKSON.

FELLOW-CITIZENS: Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interests of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I cannot hope that it has at all times been free from errors. But I have the consolation of knowing, that if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust, I leave this great people prosperous and happy; in the full enjoyment of liberty and peace, and honored and respected by every nation in the world.

If my humble efforts have, in any degree, contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me; and,

above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come, when advanced age and a broken frame warn me to retire from public concerns; but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgement of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me; and will, at least, see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal laws.

We have now lived almost fifty years under the Constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period; the spirit in which they waged war with each other; and our intimate commercial connections with every part of the civilized world, rendered it a time of much difficulty for the Government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials, with our Constitution yet in its infancy, and under the disadvantages which a new and untried government must all always feel, when it is called upon to put forth its whole strength, without the lights of experience to guide it, or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our Constitution is no longer a doubtful ex-

periment; and at the end of nearly half a century, we find that it has preserved, unimpaired, the liberties of the people, and secured the rights of property, and that our country has improved, and is flourishing beyond any former example in the history of nations.

In our domestic concerns, there is everything to encourage us; and if you are true to yourselves, nothing can impede your march to the highest point of national prosperity. The States which have so long been retarded in their improvements by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization, and be saved from that degradation and destruction to which they were rapidly hastening, while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of this ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the general government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation, and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this Government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion, and a mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been

been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and with a limited, and I trust a temporary exception, our relations with every foreign power are now of the most friendly character—our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the Federal Constitution. It is no longer a question whether this great country can remain happily united, and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it; and has proved, that in the union of these states there is a sure foundation for the brightest hopes of freedom, and for the happiness of the people. At every hazard, and by every sacrifice, this Union must be preserved.

The necessity of watching with jealous anxiety, for the preservation of the Union, was earnestly pressed upon his fellow-citizens by the Father of his country, in his farewell address. He has there told us, that “while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds;” and he has cautioned us, in the strongest terms, against the formation of parties on geographical discriminations, as one of the means which might disturb our Union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen, should be cherished in the heart of every citizen to the latest generation; and, perhaps, at no period of time could they be more usefully remembered than at the present moment. For when we look upon the scenes that are passing around us, and dwell upon the pages of his parting address, his paternal counsels would

seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy foretelling events and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The Federal Constitution was then regarded by him as an experiment, and he so speaks of it in his address; but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended nation has felt its blessings, and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We hold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the *South* against the *North*, and the *North* against the *South*, and to force into the controversy the most delicate and exciting topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken

an active part in these unwise and unprofitable discussions, a want of patriotism or of public virtue. The honorable feeling of state pride, and local attachments, find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other states are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found, who are ready to foment these fatal divisions, and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Exclude not yourselves with the belief that a breach once made, may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation, will then be tried in fields of battle, and be determined by the sword. Neither should you deceive yourselves with the hope, that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations, formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present Constitution; the proud name they bear as citizens of this great republic; if all these recollections and proofs of common interest are not strong

enough to bind us together as one people, what tie will hold united the new divisions of empire, when these bonds have been broken and this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off; new leaders would spring up; and this great and glorious republic would soon be broken into a multitude of petty states; without commerce, without credit; jealous of one another; armed for mutual aggression; loaded with taxes to pay armies and leaders; seeking aid against each other from foreign powers; insulted and trampled upon by the nations of Europe, until, harrassed with conflicts, and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this government, and not feel indignant when we hear cold calculations about the value of the Union, and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride and passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors; and when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others, as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired, it is also-

lutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made, or whatever shape it may assume. Unconstitutional or oppressive laws may, no doubt, be passed by Congress, either from erroneous views or the want of due consideration; if they are within reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts, or repealed by Congress, no individual, or combination of individuals, can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government, and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined, disclosing such a settled purpose of usurpation and oppression, on the part of the government, as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people; and no citizen who loves his country would in any case whatever resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another, in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it an end of the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it

would avenge their wrongs, but they would themselves share in the common ruin.

But the Constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family, naturally contributing to promote the happiness of each other. Hence, the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States; and they should frown upon any proceedings within their own borders likely to disturb the tranquility of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquility, are in direct opposition to the spirit in which the Union was formed, and must endanger its

safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured, that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the general government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people, and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions, the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness, without seeking to profit themselves at the expense of others; and every such attempt must, in the end, fail to succeed; for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered, it naturally provokes resentments which cannot always be allayed. Justice, full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be state or national.

It is well known that there have always been those among us who wish to enlarge the powers of the general government; and experience would seem to indicate that there is a tendency on the part of this government to overstep the boundaries marked out for it by the Constitution. Its legitimate

authority is abundantly sufficient for all the purposes for which it was created : and its powers being expressly enumerated, there can be no justification for claiming anything beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous ; and if the principle of constructive powers, or supposed advantages, or temporary circumstances, shall ever be permitted to justify the assumption of a power not given by the Constitution, the general government will before long absorb all the powers of legislation, and you will have, in effect, but one consolidated government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests ; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the states, and to confine the action of the general government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the federal government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it ; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax gatherer. But the tax imposed on goods, enhances by so much the price of the commodity to the consumer ; and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the Constitution to take money from the people, unless it is required

to execute some one of the specific powers intrusted to the government ; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them ; and, in such a case, it is unquestionably the duty of the government to reduce them, for no circumstances can justify it in assuming a power not given to it by the Constitution, nor in taking away the money of the people when it is not needed for the legitimate wants of the government.

Plain as these principles appear to be, you will yet find that there is a constant effort to induce the general government to go beyond the limits of its taxing power, and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce, and to swell the revenue beyond the real necessities of the public service ; and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society, and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress ; and in order to fasten upon the people this unjust and unequal system of taxation, extravagant schemes of internal improvement were got up, in various quarters, to squander the money and to purchase support. Thus, one unconstitutional measure was intended to be upheld by another ; and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You cannot have forgotten the severe and doubtful struggle through which we passed, when the executive department of the government, by its veto, endeavored to arrest the prodigal scheme of injustice, and to bring back the legislation of Con-

gress to the boundaries prescribed by the Constitution. The good sense and practical judgment of the people, when the subject was brought before them, sustained the course of the Executive, and this plan of unconstitutional expenditure for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt, and the large accumulation of a surplus in the treasury, notwithstanding the tariff was reduced, and is now far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue, and to burden you with taxes beyond the economical wants of the government, is not yet abandoned. The various interests which have combined together to impose a heavy tariff, and to produce an overflowing treasury, are too strong, and have too much at stake, to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments, desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor, and to obtain the means of profuse expenditure, for the purpose of purchasing influence in other quarters; and since the people have decided that the federal government cannot be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several states, by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the general government, and annually divided among the states. And if, encouraged by these fallacious hopes, the states should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will, before long, find themselves oppressed with debts which they are unable to pay, and the temptation will become irresistible to support a high tariff, in order to obtain a surplus distribution. Do not

allow yourselves, my fellow-citizens, to be misled on this subject. The federal government cannot collect a surplus for such purposes, without violating the principles of the Constitution, and assuming powers which have not been granted. It is, moreover, a system of injustice, and, if persisted in, will inevitably lead to corruption, and must end in ruin. The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the states, where it is to be disposed of by leading state politicians, who have friends to favor, and political partisans to gratify? It will certainly not be returned to those who paid it, and who have most need of it, and are honestly entitled to it. There is but one safe rule, and that is, to confine the general government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue, or impose taxes, except for the purposes enumerated in the Constitution; and if its income is found to exceed these wants, it should be forthwith reduced, and the burdens of the people so far lightened.

In reviewing the conflicts which have taken place between different interests in the United States, and the policy pursued since the adoption of our present form of government, we find nothing that has produced such deep seated evil as the course of legislation in relation to the currency. The Constitution of the United States unquestionably intended to secure the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in payment of the public dues, and the unfortunate course of legislation in the several states, upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn

to the subject, to foresee all the consequences of a currency exclusively of paper; and we ought not, on that account, to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest, and even enlightened men, are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure, and the wages of labor unsteady and uncertain. The corporations which create the paper money cannot be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted by the prospect of gain, or by the influence of those who hope to profit by it, to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business. And when these issues have been pushed on, from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given; suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks by this means save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows of the currency, and these indiscreet extensions of credit, naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands, and various kinds of stocks, which, within the last year or two, seized upon such a multitude of our citizens, and threatened to pervade all classes of society, and to withdraw their attention

from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall best preserve public virtue, and promote the true interests of our country. But if your currency continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor ; it will multiply the number of dependents on bank accommodations and bank favors ; the temptation to obtain money at any sacrifice, will become stronger and stronger, and inevitably lead to corruption, which will find its way into your public councils, and destroy, at no distant day, the purity of your government. Some of the evils which arise from this system of paper, press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless, and all of it is easily counterfeited, in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine notes.

These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business ; and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government, so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the government is emphatically the government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations, by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth ; their bravery in war has covered us with glory ; and the government of the United States will but ill discharge its duties, if it leaves them a

prey to such dishonest impositions. Yet it is evident that their interests cannot be effectually protected, unless silver and gold are restored to circulation.

These views, alone, of the paper currency, are sufficient to call for immediate reform ; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper money system of this country may be used as an engine to undermine your free institution ; and that those who desire to engross all power in the hands of a few, and to govern by corruption or force, are aware of its power, and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce, according to the quantity of notes issued by them. While they have capitals not greatly disproportionate to each other, they are competitors in business, and no one of them can exercise dominion over the rest ; and although, in the present state of the currency, these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society ; yet, from their number and dispersed situation, they cannot combine for the purposes of political influence ; and whatever may be the dispositions of some of them, their power of mischief must necessarily be confined to a narrow space, and felt only in their immediate neighborhoods.

But when the charter for the Bank of the United States was obtained from Congress, it perfected the schemes of the paper system, and gave to its advocates the position they have struggled to obtain from the commencement of the federal government down to the present hour. The immense capital and peculiar privileges bestowed upon it, enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength, it could seriously injure, if not destroy, the business of any one of them which might incur its resentment ; and it openly claimed for itself the power of regulating the currency throughout the United

States. In other words, it asserted (and undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time, and in any quarter of the Union, by controlling the issues of other banks, and permitting an expansion, or compelling a general contraction, of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates ; and with the banks necessarily went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business, and who are therefore obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly, was to concentrate the whole moneyed power of the Union, with its boundless means of corruption, and its numerous dependents, under the direction and command of one acknowledged head ; thus organizing this particular interest as one body, and securing to it unity and concert of action throughout the United States, and enabling it to bring forward, upon any occasion, its entire and undivided strength to support or defeat any measure of the government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union ; and to bestow prosperity, or bring ruin upon any city or section of the country, as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country, when the Bank of the United States waged war upon the people in order

to compel them to submit to its demands, cannot yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency, ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the government would have passed from the hands of the many to the hands of the few; and this organized money power, from its secret conclave, would have dictated the choice of your highest officers, and compelled you to make peace or war, as best suited their own wishes. The forms of your government might for a time have remained, but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the federal government beyond the limits fixed by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States; and the evil consequences which followed may warn us of the danger of departing from the true rule of construction, and of permitting temporary circumstances, or the hope of better promoting the public welfare, to influence in any degree our decisions upon the extent of the authority of the general government. Let us abide by the Constitution as it is written, or amend it in the constitutional mode, if it is found to be defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the Constitution did not present an insuperable objection to it. But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty; and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your States, as well as in the federal government. The power which the moneyed interest can exercise, when concentrated under a single head and with our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. Defeated in the general government, the same class of intriguers and politicians will now resort to the States, and endeavor to obtain there the same organization, which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages, and State interests, and State pride, they will endeavor to establish, in the different States, one moneyed institution with overgrown capital, and exclusive privileges, sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined; and in the State in which it is chartered, the money power will be able to embody its whole strength, and to move together with undivided force, to accomplish any object it may wish to attain. You have already had abundant evidence of its power to inflict injury upon the agricultural, mechanical and laboring classes of society; and over those whose engagements in trade or speculation render them dependent on bank facilities, the dominion of the State monopoly will be absolute, and their obedience unlimited. With such a bank,

and a paper currency, the money power would in a few years govern the State and control its measures; and if a sufficient number of States can be induced to create such establishments, the time will soon come when it will again take the field against the United States, and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking, that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others, and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes, have little or no share in the direction of the great moneyed corporations; and from their habits and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communications with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are, therefore, always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States;

they are the bone and sinew of the country; men who love liberty, and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them.

The mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control, from the multitude of corporations with exclusive privileges, which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States, and check this spirit of monopoly and thirst for exclusive privileges, you will, in the end, find that the most important powers of government have been given or bartered away, and the control over your dearest interests have passed into the hands of these corporations.

The paper-money system, and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil; and it will require all your efforts to check its farther growth, and to eradicate the evil. The men who profit by the abuses, and desire to perpetuate them, will continue to besiege the halls of legislation in the general government, as well as in the states, and will seek, by every artifice, to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you every one placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known,

must sooner or later be obeyed. And while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the government is safe, and the cause of freedom will continue to triumph over all its enemies. But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses, which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope the conflict will be a short one, nor success easy. My humble efforts have not been spared, during my administration of the government, to restore the constitutional currency of gold and silver; and something, I trust, has been done towards the accomplishment of this most desirable object. But enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy towards foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights, if a resort to force should ever become necessary. Our local situation, our long line of sea-coast, indented by numerous bays, with deep rivers opening into the interior, as well as our ex-

tended and still increasing commerce, point to the navy as our natural means of defense. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in the season of peace, and with an overflowing revenue, that we can year after year add to its strength, without increasing the burdens of the people. It is your true policy. For your navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defense its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a hostile force advancing from the ocean and selecting its object; but they are indispensable to protect cities from bombardment; dock-yards and navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description cannot be too soon completed and armed, and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our militia armed, we need not fear that any nation will wantonly insult us, or needlessly provoke hostilities. We shall more certainly preserve peace, when it is well understood that we are prepared for war.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former ex-

ample, in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comfort and convenience of man; and from the earliest ages of history to the present day, there never have been thirteen millions of people associated together in one political body, who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He who holds in his hands the destinies of nations, make you worthy of the favors he has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend to the end of time the great charge he has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events, and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that He has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

GENERAL JACKSON'S LETTER

TO COMMODORE ELLIOTT, DECLINING A SARCOPHAGUS.

HERMITAGE, March 27, 1845.

DEAR SIR: Your letter of the 18th instant, together with a copy of the proceedings of the National Institute, furnished me by their corresponding secretary, on the presentation, by you, of the Sarcophagus for their acceptance, on condition it shall be preserved, and in honor of my memory, have been received, and are now before me.

Although laboring under great debility and affliction, from a severe attack from which I may not recover, I raise my pen and endeavor to reply. The steadiness of my nerves may perhaps lead you to conclude my prostration of strength is not so great as here expressed. Strange as it may appear, my nerves are as steady as they were forty years gone by; whilst, from debility and affliction, I am gasping for breath.

I have read the whole proceedings of the presentation, by you, of the Sarcophagus, and the resolutions passed by the Board of Directors, so honorable to my fame, with sensations and feelings more easily to be conjectured, than by me expressed. The whole proceedings call for my most grateful thanks, which are hereby tendered to you, and through you to the President and Directors of the National Institute. But with the warmest sensations that can inspire a grateful heart,

I must decline accepting the honor intended to be bestowed. I cannot consent that my mortal body shall be laid in a repository prepared for an emperor or a king. My republican feelings and principles forbid it; the simplicity of our system of government forbids it. Every monument erected to perpetuate the memory of our heroes and statesmen ought to bear evidence of the economy and simplicity of our republican institutions, and the plainness of our republican citizens, who are the sovereigns of our glorious Union, and whose virtue is to perpetuate it. True virtue cannot exist where pomp and parade are the governing passions; it can only dwell with the people—the great laboring and producing classes that form the bone and sinew of our confederacy.

For these reasons I cannot accept the honor you and the President and Directors of the National Institute intended to bestow. I cannot permit my remains to be the first in these United States to be deposited in a sarcophagus made for an emperor or king. I again repeat, please accept for yourself, and convey to the President and Directors of the National Institute, my most profound respects for the honor you and they intend to bestow. I have prepared an humble depository for my mortal body beside that wherein lies my beloved wife, where, without any pomp or parade, I have requested, when my God calls me to sleep with my fathers, to be laid; for both of us there to remain until the last trumpet sounds to call the dead to judgment, when we, I hope, shall rise together—clothed with that heavenly body promised to all who believe in our glorious Redeemer, who died for us that we might live, and by whose atonement I hope for a blessed immortality.

I am, with great respect,

Your friend and fellow-citizen,

ANDREW JACKSON.

To Commodore J. D. Elliott, United States Navy.



A MANUAL
OF
PARLIAMENTARY PRACTICE.

BY THOMAS JEFFERSON.

INTRODUCTION TO JEFFERSON'S MANUAL.

A knowledge of parliamentary rules is very essential to any person who mingles at all in public affairs, or who desires to possess useful acquirements. It therefore needs no apology to offer "Jefferson's Manual" as a well-received and permanent standard for the governance of all bodies who desire to be guided by rules of order, and especially as a standard authority for legislative proceedings.

Much might be said as to the necessity of a general dissemination of knowledge so important; for the fact is, that in our own country, where any citizen may aspire to a seat in its legislative assemblies, such information needs to be more generally disseminated than in any other.

The general principles for governing important bodies, such as legislatures, can also apply, so far as they can be used, to the conduct of every society or organization, for either literary, agricultural or social purposes.

Some passages of the Manual of Jefferson is omitted

in this work, for the reason that they merely apply to the English Parliament, and are not to be used in the United States. The portion omitted is but small.

THE IMPORTANCE OF ADHERING TO RULES.

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, 'It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding: that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power.' So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding, which have been adopted, as they were found necessary, from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be an uniformity of proceeding in business, not subject to the caprice of the Speaker, or cap-

tiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

QUORUM.

In general, the chair is not to be taken till a quorum for business is present; unless, after due waiting, such a quorum be despaired of, when the chair may be taken, and the House adjourned. And whenever, during business, it is observed that a quorum is not present, any member may call for the House to be counted, and being found deficient, business is suspended.

CALL OF THE HOUSE.

On a call of the House, each person rises up as he is called and answereth; the absentees are then only noted, but no excuse to be made till the House be fully called over. Then the absentees are called a second time, and if still absent excuses are to be heard.

They rise that their persons may be recognized; the voice in such a crowd, being an insufficient verification of their presence. But in so small a body as the Senate of the United States the trouble of rising cannot be necessary.

Orders for calls on different days may subsist at the same time.

SPEAKER.

When but one person is proposed, and no objection made, it has not been usual in Parliament to put any question to the House; but without a question, the members proposing him, conduct him to the chair. But if there be objection, or another proposed, a question is put by the Clerk, as are also questions of adjournment.

COMMITTEES.

Standing Committees, as of Privileges and Elections, &c., are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as Chairman. But this is a matter of courtesy; every

Committee having a right to elect their own Chairman, who presides over them, puts questions, and reports their proceedings to the House.

At these Committees the members are to speak standing, and not sitting; though there is reason to conjecture it was formerly otherwise.

Their proceedings are not to be published, as they are of no force till confirmed by the House. Nor can they receive a petition but through the House.

When a Committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House, whereupon the member is heard in his place, or at the bar, or a special authority is given to the Committee to inquire concerning him.

So soon as the House sits, and a Committee is notified of it, the Chairman is in duty bound to rise instantly, and the members to attend the service of the House.

COMMITTEE OF THE WHOLE.

The speeches, messages, and other matters of great concernment, are usually referred to a Committee of the whole House. Where general principles are digested in the form of resolutions, which are debated and amended till they get into a shape which meets the approbation of a majority. These being reported and confirmed by the House, are then referred to one or more Select Committees, according as the subject divides itself into one or more bills. Propositions for any charge on the people are especially to be first made in a Committee of the Whole. The sense of the whole is better taken in Committee, because in all Committees every one speaks as often as he pleases. They generally acquiesce in the Chairman named by the Speaker; but, as well as all other Committees, have a right to elect one, some member, by consent, putting the question. The form of going from the House into Committee, is for the Speaker, on motion, to put the question, that the House do now resolve itself into a Com-

mittee of the Whole to take under consideration such a matter, naming it. If determined in the affirmative, he leaves the chair, and takes a seat elsewhere, as any other member; and the person appointed Chairman seats himself at the Clerk's table. Their quorum is the same as that of the House; and if a defect happens, the Chairman, on a motion and question, rises, the Speaker resumes the chair, and the Chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a Committee, the Speaker takes the chair, and receives it, because the Committee cannot.

In a Committee of the Whole, the tellers on a division, differing as to the numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table, whereupon, the members retiring to their places, the Speaker told the House 'he had taken the chair without an order, to bring the House to order.' Some excepted against it; but it was generally approved as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further in consequence of what had happened in the Grand Committee, which was done.

A Committee of the Whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was adjourned. The next day the Committee was considered as thereby dissolved, and the subject again before the House; and it was decided in the House without returning into Committee.

No previous question can be put in a Committee; nor can this Committee adjourn as others may; but if their business is unfinished, they rise, on a question, the House is resumed, and the Chairman reports that the Committee of the Whole have, according to order, had under their consideration such a matter, and have made progress therein; but not having

had time to go through the same, have directed him to ask leave to sit again. Whereupon a question is put on their having leave, and on the time when the House will again resolve itself into a Committee. But if they have gone through the matter referred to them, a member moves that the Committee may rise, and the Chairman report their proceeding to the House; which being resolved, the Chairman rises, the Speaker resumes the chair, the Chairman informs him that the Committee have gone through the business referred to them, and that he is ready to make report when the House shall think proper to receive it. If the House have time to receive it, there is usually a cry of 'Now, now,' whereupon he makes the report; but if it be late, the cry is 'To-morrow, to-morrow,' or 'on Monday,' &c., or a motion is made to that effect, and a question put that it be received to-morrow, &c.

In other things the rules of proceeding are to be the same as in the House.

EXAMINATION OF WITNESSES.

Common fame is a good ground for the House to proceed by inquiry, and even to accusation.

Witnesses are not to be produced but where the House has previously instituted an inquiry, nor then are orders for their attendance given blank.

When any person is examined before a Committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker or Chairman, who repeats the question to the person, or says to him, 'you hear the question, answer it.' But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question can be moved or put, or debated while they are there. Sometimes the questions are previously settled in writing before the witness enters. The questions asked must be entered in the Journals. But the testimony given in answer before the House is never written

down; but before a Committee it must be, for the information of the House who are not present to hear it.

If either House have occasion for the presence of a person in custody of the other, they ask the other their leave that he may be brought up to them in custody.

A member, in his place, gives information to the House of what he knows of any matter under hearing at the bar.

Either House may request, but not command the attendance of a member of the other. They are to make the request by message to the other House, and to express clearly the purpose of attendance, that no improper subject of examination may be tendered to him. The House then gives leave to the member to attend, if he choose it; waiting first to know from the member himself whether he chooses to attend, till which they do not take the message into consideration. But when the Peers are sitting as a court of criminal judicature, they may order attendance; unless where it be a case of impeachment by the Commons. There it is to be a request.

Counsel are to be heard only on private, not on public bills, and on such points of law only as the House shall direct.

ARRANGEMENT OF BUSINESS.

The Speaker is not precisely bound to any rules as to what bills or other matter shall be first taken up, but is left to his own discretion, unless the House on a question decide to take up a particular subject.

A settled order of business is, however, necessary for the government of the presiding person, and to restrain individual members from calling up favorite measures, or matters under their special patronage, out of their just turn. It is usual also for directing the discretion of the House, when they are moved to take up a particular matter, to the prejudice of others having priority of right to their attention in the general order of business.

ORDER RESPECTING PAPERS.

The Clerk is to let no journals, records, accounts, or papers be taken from the table, or out of his custody.

Mr. Prynne having, at a Committee of the Whole, amended a mistake in a bill without order or knowledge of the Committee, was reprimanded.

A bill being missing, the House resolved that a protestation should be made and subscribed by the members 'before Almighty God and this honorable House, that neither myself nor any other to my knowledge, have taken away, or do at this present conceal a bill entitled,' &c.

After a bill is engrossed, it is put into the Speaker's hands, and he is not to let any one have it to look into.

ORDER IN DEBATE.

When the Speaker is seated in his chair, every member is to sit in his place.

When any member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular member, but to the Speaker, who calls him by his name, that the House may take notice who it is that speaks. But members who are indisposed may be indulged to speak sitting.

When a member stands up to speak, no question is to be put, but he is to be heard, unless the House overrule him.

If two or more rise to speak nearly together the Speaker determines who was first up, and calls him by name, whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put, 'which member was first up?'

No man may speak more than once to the same bill on the same day; or even on another day if the debate be adjourned. But if it be read more than once in the same day, he may speak once at every reading. Even a change of opinion does not give a right to be heard a second time.

But he may be permitted to speak again to clear a matter of fact; or merely to explain himself, in some material part of his speech, or to the manner or words of the question, keeping himself to that only, and not traveling into the merits of it, or to the orders of the House if they be transgressed, keeping within that line, and not falling into the matter itself.

But if the Speaker rises to speak, the member standing up ought to sit down, that he may be first heard. Nevertheless, though the Speaker may of right speak to matters of order, and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact.

No one is to speak impertinently, or beside the question, superfluously or tediously.

No person is to use indecent language against the proceedings of the House, no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it. But while a proposition is under consideration, is still *in fieri*,* though it has even been reported by a Committee, reflections on it are no reflections on the House.

No person in speaking, is to mention a member then present by his name; but to describe him by his seat in the House, or who spoke last, or on the other side of the question, &c. Nor to digress from the matter to fall upon the person, by speaking, reviling, nipping, or unmannerly words against a particular member. The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose or advocate it, is a personality, and against order.

No one is to disturb another in his speech by hissing, coughing, spitting, speaking or whispering to another, nor to stand

* Those who depart from the subject to personality.

up or interrupt him, nor to pass between the Speaker and the speaking member, nor to go across the House, or to walk up and down it, or to take books or papers from the table, or write there.

Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that by conversation, or any other noise, they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill-manners without sufficient reason, or inattentive to a member who says anything worth their hearing.

If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity, whereupon the House may require the member to withdraw. He is then to be heard in exculpation, and to withdraw. Then the Speaker states the offence committed, and the House consider the degree of punishment they will inflict.

Whenever warm words, or an assault, have passed between members, the House, for the protection of their members, requires them to declare in their places not to prosecute any quarrel, or orders them to attend the Speaker, who is to accommodate their differences, and report to the House, and they are put under restraint if they refuse, or until they do.

Disorderly words are not to be noticed till the member has finished his speech. Then the person objecting to them, and desiring them to be taken down by the Clerk at the table, must repeat them. The Speaker then may direct the Clerk to take them down in his minutes. But if he thinks them not disorderly, he delays the direction. If the call becomes pretty general, he orders the Clerk to take them down, as stated by the objecting member. They are then part of his minutes, and when read to the offending member, he may

deny they were his words, and the House must then decide by a question whether they are his words or not. Then the member may justify them, or explain the sense in which he used them, or apologize. If the House is satisfied, no further proceeding is necessary. But if two members still insist to take the sense of the House, the member must withdraw before that question is stated, and then the sense of the House is to be taken. When any member has spoken, or other business intervened, after offensive words spoken, they cannot be taken notice of for censure. And this is for the common security of all, and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down any time the same day.

Disorderly words spoken in a Committee must be written down as in the House; but the Committee can only report them to the House for animadversion.

In Parliament, to speak irreverently or seditiously against the king is against order.

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there: because the opinion of each house should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two houses.

Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore, it is the duty of the House and more particularly of the Speaker to interfere immediately, and not to permit

expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two houses, which can hardly be terminated without difficulty and disorder.

No member may be present when a bill or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws. The rule is that if a charge against a member arise out of a report of a Committee, or examination of witnesses in the House, as a member knows from that to what points he is to direct his exculpation, he may be heard to those points, before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order, or matter arising in the debate, there the charge must be stated, that is, the question must be moved, himself heard, and then to withdraw.

Where the private interests of a member are concerned in a bill or question, he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule, of immemorial observance, should be strictly adhered to.

No member is to come into the House with his head covered, nor remove from one place to another with his hat on, nor put on his hat in coming in, or removing until he be set down in his place.

A question of order may be adjourned to give time to look into precedents.

In Parliament, all decisions of the Speaker may be controlled by the House.

ORDERS OF THE HOUSE.

Of right, the door of the House ought not to be shut, but kept by porters, or serjeant-at-arms, assigned for that purpose.

The only case, where a member has a right to insist on any thing, is where he calls for the execution of a subsisting order of the House. Here, there having been already a resolution, any member has a right to insist that the Speaker, or any other whose duty it is, shall carry it into execution; and no debate or delay can be had on it. Thus any member has a right to have the House or gallery cleared of strangers, an order existing for that purpose; or to have the House told when there is not a quorum present. How far an order of the House is binding, see Hakew. 392.

But where an order is made that any particular matter be taken up on a particular day, there a question is to be put when it is called for, whether the House will now proceed to that matter? Where orders of the day are on important or interesting matter, they ought not to be proceeded on till an hour at which the House is usually full.

Orders of the day may be discharged at any time, and a new one made for a different day.

When a session is drawing to a close, and the important bills are all brought in, the House, in order to prevent interruption by further unimportant bills, sometimes come to a resolution that no new bill be brought in, except it be sent from the other House.

All orders of the House determine with the session; and one taken under such an order may, after the session is ended, be discharged on a *habeas corpus*.

PETITIONS.

A petition prays for something. A remonstrance has no prayer. Petitions must be subscribed by the petitioners, unless they are attending or unable to sign, and averred by a member. But a petition not subscribed, but which the members presenting it affirmed to be all in the handwriting of the petitioner, and his name written in the beginning, was on the question (March 14, 1800) received by the Senate. The averment of a member, or of somebody without doors, that they

know the handwriting of the petitioners, is necessary, if it be questioned. It must be presented by a member, not by the petitioners, and must be opened by him, holding it in his hand.

Regularly a motion for receiving it must be made and seconded, and a question put whether it shall be received. But a cry from the house of "received," or even its silence, dispenses with the formality of this question. It is then to be read at the table and disposed of.

MOTIONS.

When a motion has been made, it is not to be put to the question or debated until it is seconded.

It is then, and not till then, in the possession of the House, and cannot be withdrawn but by leave of the House. It is to be put into writing, if the House or Speaker require it, and must be read to the House by the Speaker as often as any member desires it for his information.

It might be asked whether a motion for adjournment, or for the orders of the day, can be made by one member while another is speaking. It cannot. When two members offer to speak, he who rose first is to be heard, and it is a breach of order in another to interrupt him, unless by calling him to order, if he departs from it. And the question of order being decided, he is still to be heard through. A call for adjournment, or for the order of the day, or for the question, by gentlemen from their seats, is not a motion. No motion can be made without rising and addressing the Chair. Such calls are themselves breaches of order, which, though the member who has risen may respect as an expression of the impatience of the House against further debate, yet, if he chooses, he has a right to go on.

RESOLUTIONS.

When the House commands, it is by an "order." But

facts, principles, their own opinions and purposes are expressed in the form of resolutions.

BILLS, LEAVE TO BRING IN.

When a member desires to bring in a bill on any subject, he states to the House, in general terms, the causes for doing it, and concludes by moving for leave to bring in a bill entitled, &c. Leave being given, on the question, a Committee is appointed to prepare and bring in the bill. The mover and seconder are always appointed on this Committee, and one or more in addition.

It is to be presented fairly written, without any erasure or interlineation, or the Speaker may refuse it.

BILLS, FIRST READING.

When a bill is first presented, the Clerk reads it at the table and hands it to the Speaker, who, rising, states to the House the title of the bill, that this is the first time of reading it, and the question will be, whether it shall be read a second time. Then sitting down to give an opening for objections, if none be made, he rises again and puts the question, whether it shall be read a second time.

A bill cannot be amended at the first reading, nor is it usual for it to be opposed then, but it may be done and rejected.

BILLS, SECOND READING.

The second reading must regularly be on another day. It is done by the Clerk at the table, who then hands it to the Speaker. The Speaker, rising, states to the House the title of the bill, that this is the second time of reading it, and that the question will be, whether it shall be committed, or engrossed and read a third time. But if the bill came from the other House, as it always comes engrossed, he states that the question will be, whether it shall be read a third time? and before he has so reported the state of the bill, no one is to speak to it.

BILLS, COMMITMENT.

If on motion and question it be decided that the bill shall be committed, it may then be moved to be referred to a Committee of the whole house, or to a special Committee. If the latter, the Speaker proceeds to name the Committee. Any member also may name a single person, and the Clerk is to write him down as of the Committee. But the House have the controlling power over the names and number, if a question be moved against any one, and may, in any case, put in and put out whom they please.

Those who take exceptions to some particulars in the bill are to be of the Committee; but none who speak directly against the body of the bill, for he that would totally destroy would not amend it; or, as is said, the child is not to be put to a nurse that cares not for it. It is therefore a constant rule, "that no man is to be employed in any matter who has declared himself against it;" and when any member who is against the bill hears himself named of its Committee, he ought to ask to be excused. Thus, March 7, 1606, Mr. Hadley was, on the question being put, excused from being of a Committee, declaring himself to be against the matter itself.

The Clerk may deliver the bill to any member of the Committee. But it is usual to deliver it to him who is first named.

In some cases, the House has ordered a Committee to withdraw immediately into the Committee chamber, and act on and bring back the bill, the House continuing to sit.

A Committee meets when and where they please, if the House has not ordered time and place for them; but they can only act when together, and not by separate consultation and consent, nothing being the report of the Committee but what has been agreed to in Committee actually

assembled. A majority of the Committee constitutes a quorum for business.

Any member of the House may be present at any select Committee, but cannot vote, and must give place to all of the Committee and sit below them.

The Committee have full power over the bill, or other paper committed to them, except that they cannot change the title or subject.

The paper before a Committee, whether select or of the whole, may be a bill, resolutions, draught of an address, &c., and it may either originate with them or be referred to them. In every case, the whole paper is read first by the Clerk, and then by the Chairman by paragraphs, pausing at the end of each paragraph, and putting questions for amending, if proposed. In the case of resolutions on distinct subjects, originating with themselves, a question is put on each separately, as amended or unamended, and no final question on the whole. But if they relate to the same subject, a question is put on the whole. If it be a bill, draft of an address, or other paper originating with them, they proceed by paragraphs, putting questions for amending, either by insertion or striking out, if proposed; but no question on agreeing to the paragraphs separately. This is reserved to the close, when a question is put on the whole, for agreeing to it as amended or unamended. But if it be a paper referred to them, they proceed to put questions of amendment, if proposed, but no final question on the whole; because all parts of the paper having been adopted by the House, stand, of course, unless altered or struck out by a vote. Even if they are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition.

The natural order, in considering and amending any

paper, is to begin at the beginning and proceed through it by paragraphs; and this order is so strictly adhered to in Parliament, that when a latter part has been amended, you cannot recur back and make any alteration in a former part. In numerous assemblies this restraint is doubtless important. To this natural order of beginning at the beginning, there is a single exception found in parliamentary usage. When a bill is taken up in Committee, or on its second reading, they postpone the preamble till the other parts of the bill are gone through. The reason is, that on consideration of the body of the bill, such alterations may therein be made as may also occasion the alteration of the preamble.

When the Committee is through the whole a member moves that the Committee may rise, and the Chairman report the paper to the House, with or without amendments, as the case may be.

When a vote is once passed in a Committee, it cannot be altered but by the House, their votes being binding on themselves.

The Committee may not erase, interline, or blot the bill itself, but must, in a paper by itself, set down the amendments, stating the words which are to be inserted or omitted, and where, by references to the page, line and word of the bill.

REPORT OF COMMITTEE.

The Chairman of the Committee, standing in his place, informs the House that the Committee to whom was referred such a bill, have, according to order, had the same under consideration, and have directed him to report the same without any amendment, or with sundry amendments, (as the case may be) which he is ready to do when the House pleases to receive it. And he, or any other, may move that it be now received. But the cry of 'Now, now,' from the House, generally dispenses with the formality of a motion and question.

He then reads the amendments with the coherence in the bill, and opens the alterations and the reasons of the Committee for such amendments until he has gone through the whole. He then delivers it at the Clerk's table, where the amendments reported are read by the Clerk, without the coherence, whereupon the papers lie on the table till the House, at its convenience, shall take up the report.

The report being made, the Committee is dissolved, and can act no more without a new power. But it may be revived by a vote, and the same matter recommitted to them.

BILL, RECOMMITMENT.

After a bill has been committed and reported, it ought not, in an ordinary course, to be recommitted. But in cases of importance, and for special reasons, it is sometimes recommitted, and usually to the same Committee. If a report be recommitted before agreed to in the House, what has passed in Committee is of no validity; the whole question is again before the Committee, and a new resolution must be again moved, as if nothing had passed.

A particular clause of a bill may be committed without the whole bill, or so much of a paper to one, and so much to another Committee.

BILL, REPORT TAKEN UP.

When the report of a paper, originating with a Committee, is taken up by the House, they proceed exactly as in Committee. Here, as in Committee, when the paragraphs have, on distinct questions, been agreed to *seriatim* no question need be put on the whole report.

On taking up a bill reported with amendments, the amendments only are read by the Clerk. The Speaker then reads the first, and puts it to the question, and so on till the whole are adopted or rejected, before any other amendment be admitted, except it be an amendment to an amendment. When through the amendments of the Committee, the Speaker

pauses, and gives time for amendments to be proposed in the House to the body of the bill: as he does also if it has been reported without amendments; putting no questions but on amendments proposed: and when through the whole, he puts the question whether the bill shall be read a third time.

QUASI*-COMMITTEE.

The particular form of Parliamentary proceeding in Committee of the whole House is the following: 1. In a Committee every member may speak as often as he pleases. 2. The votes of a Committee may be rejected or altered when reported to the House. 3. A Committee, even of the whole, cannot refer any matter to another Committee. 4. In a Committee no previous question can be taken. The only means to avoid an improper discussion is to move that the Committee rise: and if it be apprehended that the same discussion will be attempted on returning into Committee, the House can discharge them, and proceed itself on the business, keeping down the improper discussion by the previous question. 5. A Committee cannot punish a breach of order, in the House, or in the gallery. It can only rise and report it to the House, who may proceed to punish.

BILL, SECOND READING IN THE HOUSE.

In Parliament, after the bill has been read a second time, if, on the motion and question, it be not committed, or if no proposition for commitment be made, the Speaker reads it by paragraphs, pausing between each, but putting no question but on amendments proposed; and when through the whole, he puts the question whether it shall be read a third time, if it came from the other House. Or, if originating with themselves, whether it shall be engrossed and read a third time. The Speaker reads sitting, but rises to put questions. The Clerk stands while he reads.

Just as if. This means where the whole assembly act just as in Committee, or a Committee of the whole House.

The bill being now as perfect as its friends can make it, this is the proper stage for those fundamentally opposed to make their first attack. All attempts at earlier periods are with disjointed efforts; because many who do not expect to be in favor of the bill ultimately, are willing to let it go on to its perfect state, to take time to examine it themselves, and to hear what can be said for it; knowing that, after all, they will have sufficient opportunities of giving it their veto. Its two last stages therefore are reserved for this, that is to say, on the question whether it shall be read a third time. And lastly, whether it shall pass. The first of these is usually the most interesting contest; because then the whole subject is new and engaging, and the minds of the members having not yet been declared by any trying vote, the issue is the more doubtful. In this stage, therefore, is the main trial of strength between its friends and opponents: and it behooves every one to make up his mind decisively for this question, or he loses the main battle; and accident and management may, and often do, prevent a successful rallying on the next and last question, whether it shall pass.

When the bill is engrossed, the title is to be endorsed on the back, and not within the bill.

Where papers are laid before the House, or referred to a Committee, every member has a right to have them once read at the table, before he can be compelled to vote on them. But it is a great, though common error, to suppose that he has a right, *toties quoties*,* to have acts, journals, accounts or papers on the table read independently of the will of the House. The delay and interruption which this might be made to produce, evince the impossibility of the existence of such a right. There is indeed so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for informa-

* Whenever this may occur.

mation, and not for delay, the Speaker directs it to be read without putting a question, if no one objects. But if objected to, a question must be put.

It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House.

For the same reason a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised, but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time; and therefore is not refused, but where that is intended.

Formerly, when papers were referred to a Committee, they used to be first read: but of late, only the titles; unless a member insists they shall be read, and then nobody can oppose it.

PRIVILEGED QUESTIONS.

It is no possession of a bill, unless it be delivered to the Clerk to be read, or the Speaker reads the title.

It is a general rule that the question first moved and seconded shall be first put. But this rule gives way to what may be called privileged questions; and the privileged questions are of different grades among themselves.

A motion to adjourn simply takes place of all others; for otherwise the House might be kept sitting against its will, and indefinitely. Yet this motion cannot be received after another question is actually put, and while the House is engaged in voting.

Orders of the day take place of all other questions, except for adjournment. That is to say, the question which is the

subject of an order is made a privileged one, *pro hac vice*.* The order is a repeal of the general rule as to this special case. When any member moves, therefore, for the orders of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed, it might continue through the day, and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question, 'whether the House will now proceed to the orders of the day,' they must be read and proceeded on in the course in which they stand. For priority of order gives priority of right, which cannot be taken away but by another special order.

After these there are other privileged questions which will require considerable explanation.

It is proper that every Parliamentary assembly should have certain forms of question so adopted, as to enable them fitly to dispose of every proposition which can be made to them. Such are, 1. The previous question. 2. To postpone indefinitely. 3. To adjourn a question to a definite day. 4. To lie on the table. 5. To commit. 6. To amend. The proper occasion for each of these questions should be understood.

1. When a proposition is moved, which it is useless or inexpedient now to express or discuss, the previous question has been introduced for suppressing, for that time, the motion and its discussion.

2. But as the previous question gets rid of it only for that day, and the same proposition may recur the next day, if they wish to suppress it for the whole of that session, they postpone it indefinitely. This quashes the proposition for that session, as an indefinite adjournment is a dissolution or the continuance of a suit, *sine die* is a discontinuance of it.

3. When a motion is made which it will be proper to act on, but information is wanted, or something more pressing

*For this time.

claims the present time, the question or debate is adjourned to such day within the session as will answer the views of the House. And those who have spoken before may not speak again when the adjourned debate is resumed. Sometimes, however, this has been abusively used by adjourning it to a day beyond the session, to get rid of it altogether, as would be done by an indefinite postponement.

4. When the house has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them, they order it to lie on their table. It may then be called for at any time.

5. If the proposition will want more amendment and digestion, than the formalities of the House will conveniently admit, they refer it to a committee.

6. But if the proposition be well digested, and may need but few and simple amendments, and especially if these be of leading consequence, the whole House may then proceed to consider and amend it.

Have these questions any privilege among themselves? Or are they so equal that the common principle of the "first moved, first put," takes place among them? This will need explanation. Their competitions may be as follows :

- | | | |
|-----------------------------------------------------|---|---------------------------------------------------------------------------------------------------------------------------------|
| 1. Previous question and postpone. | } | In the first, second and third classes, and the first member of the fourth class, the rule 'first moved first put' takes place. |
| " " commit. | | |
| " " amend. | | |
| 2. Postpone and previous question. | | |
| " " commit. | | |
| " " amend. | | |
| 3. Commit and previous question. | | |
| " " postpone. | | |
| " " amend. | | |
| 4. Amend and previous question. | | |
| " " postpone. | | |
| " " commit. | | |

In the first class, where the previous question is first

moved, the effect is peculiar. For it not only prevents the after motion to postpone or commit from being put to question before it, but also from being put after it. For if the previous question be decided affirmatively, to wit, that the main question shall now be put, it would, of course, be against the decision to postpone or commit. And if it be decided negatively, to wit, that the main question shall now be put, this puts the House out of possession of the main question, and consequently there is nothing before them to postpone or commit. So that neither voting for or against the previous question, will enable the advocates for postponing or committing to get at their object. Whether it may be amended shall be examined hereafter.

Second class. If postponement be decided affirmatively, the proposition is removed from before the House, and consequently there is no ground for the previous question, commitment, or amendment. But, if decided negatively, that it shall not be postponed, the main question may then be suppressed by the previous question, or may be committed, or amended.

The third class is subject to the same observations as the second.

The fourth class. Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is, that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed; and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the amend-

ment, if the House had it not in their power to postpone the whole subject.

Amendment and commitment. The question for committing, though last moved, shall be first put; because in truth it facilitates and befriends the motion to amend. Scobell is express. "On a motion to amend a bill, any one may, notwithstanding, move to commit it, and the question for commitment shall be first put."

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both were moved on the original or main question; but now let us suppose one of them to be moved, not on the original primary question, but on the secondary one for example.

Suppose a motion to postpone, commit or amend the main question, and that it be moved to suppress that motion by putting a previous question on it. This is not allowed: because it would embarrass questions too much to allow them to be piled on one another several stories high; and the same result may be had in a more simple way, by deciding against the postponement, commitment or amendment.

Suppose a motion for the previous question, or commitment, or amendment, of the main question, and that it be then moved to postpone the motion for the previous question, or for commitment or amendment of the main question. 1. It would be absurd to postpone the previous question, commitment or amendment alone, and thus separate the appendage from its principal. Yet it must be postponed separately from its original, if at all: because when a main question is before the House no motion shall be received but to commit, amend or pre-question the original question. Therefore the motion to postpone the

secondary motion for the previous question or for committing or amending, cannot be received. 2. This is a piling of questions one on another, which, to avoid embarrassment, is not allowed. 3. The same result may be had more simply by voting against the previous question, commitment or amendment.

Suppose a commitment moved of a motion for the previous question, or to postpone or amend. The first, second and third reasons before stated all hold good against this.

Suppose an amendment moved to a motion for the previous question. Answer. The previous question cannot be amended. Parliamentary usage fixes its forms to be, Shall the main question be now put? i. e., at this instant. And as the present instant is but one, it can admit of no modification. To change it to to-morrow, or any other moment, is without example, and without utility. But suppose a motion to amend a motion for postponement; as to one day instead of another, or to a special, instead of indefinite time. The useful character of amendment gives it a privilege of attaching itself to a secondary and privileged motion. That is, we may amend a postponement of a main question. So may we amend a commitment of a main question, as by adding, for example, "with instructions to inquire, &c." In like manner, if an amendment be moved to an amendment, it is admitted. But it would not be admitted in another degree, to wit: to amend an amendment to an amendment of a main question. This would lead to too much embarrassment. The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was wished to be amended. In this form it becomes only an amendment to an amendment.

In filling a blank with a sum, the motion must be first put on the smallest sum and longest time. And this is considered to be, not in the form of an amendment to the question, but as alternative or successive originals. In all cases of time or number, we must consider whether the larger comprehends the lesser, as in a question to what day a postponement shall be, the number of a Committee, amount of a fine, term of an imprisonment, the *terminus in quem*,* or in any other case. Then the question must begin a *maximo*.† Or whether the lesser concludes the greater, as in questions on the limitation of the rate of interest, on what day the session shall be closed by adjournment, on what day the next shall commence, or the *terminus a quo*‡ in any other case, where the question must begin a *minimo*.§ The object being not to begin at that extreme, which, and more, being within every man's wish, no one could negative it, and yet, if he should vote in the affirmative, every question for more would be precluded; but at that extreme which would unite few, and then to advance or recede till you get to a number which will unite a bare majority. "The fair question in this case is not that to which and more all will agree, but whether there shall be addition to the question."

Another exception to the rule of priority is when a motion has been made to strike out, or agree to a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out, or agreeing to the whole paragraph.

But there are several questions, which being incidental to every one, will take place of every one, privileged or not, to-wit: a question of order arising out of any other question, must be decided before that question.

* Term of irredeemability of a loan.

† From the greatest.

‡ When an act shall commence.

§ From the least.

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supersedes the consideration of the original question, and and must be first disposed of.

Reading papers relative to the question before the House. This question must be put before the principal one.

Leave asked to withdraw a motion. The rule of Parliament being that a motion made and seconded is in possession of the House, and cannot be withdrawn without leave, the very terms of the rule imply that leave may be given, and consequently may be asked and put to the question.

THE PREVIOUS QUESTION.

When any question is before the House, any member may move a previous question, 'Whether that question (called the main question) shall now be put?' If it pass in the affirmative, then the main question is to be put immediately, and no man may speak any thing further to it, either to add or alter.

This kind of question is understood by Mr. Hatsell to have been introduced in 1604. Sir Henry Vane introduced it. When the question was put in this form, 'Shall the main question be put?' A determination in the negative suppressed the main question during the session; but since the words 'now put' are used, they exclude it for the present only. Formerly, indeed, only till the present debate was over, but now for that day and no longer.

Before the question, 'whether the main question shall now be put?' any person might formerly have spoken to the main question, because otherwise he would be precluded from speaking to it at all.

The proper occasion for the previous question, is when a subject is brought forward of a delicate nature as to high personages, &c., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed: and, in the modern usage,

the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases: but in these it is an embarrassing procedure: its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

Whether a main question may be amended, after the previous question on it has been moved and seconded? 2 Hats. 88, says, if the previous question has been moved and seconded, and also proposed from the chair (by which he means stated by the Speaker for debate), it has been doubted whether an amendment can be admitted to the main question? He thinks it may, after the previous question moved and seconded, but not after it has been proposed from the chair. In this case he thinks the friends to the amendment must vote that the main question be not now put; and then move their amended question, which, being made new by the amendment, is no longer the same which has been just suppressed, and therefore may be proposed as a new one. But this proceeding certainly endangers the main question, by dividing its friends, some of whom may choose it unamended, rather than lose it altogether: while others of them may vote, as Hatsell advises, that the main question be not now put, with a view to move it again in an amended form. The enemies to the main question, by this manuver of the previous question, get the enemies to the amendment added to them on the first vote, and throw the friends of the main question under the embarrassment of rallying again as they can. To support his opinion, too, he makes the deciding circumstance, whether an amendment may or may not be made, to be that the previous question has been proposed from the Chair. But as the rule is, that the house is in possession of a question as soon as it is moved and seconded, it cannot be more than possessed of it by its being also proposed

from the Chair. It may be said indeed, that the object of the previous question, being to get rid of a question, which it is not expedient should be discussed, this object may be defeated by moving to amend, and, in the discussion of that motion, involving the subject of the main question. But so may the object of the previous question be defeated by moving the amended question, as Mr. Hatsell proposes, after the decision against putting the original question. He acknowledges, too, that the practice has been to admit a previous amendment, and only cites a few late instances to the contrary. On the whole, I should think it best to decide it *ab inconvenienti*,* to put it in the power of one side of the House to defeat a proposition by hastily moving the previous question, and thus forcing the main question to be put unamended; or to put in the power of the other side to force on, incidentally at least, a discussion which would be better avoided? Perhaps the last is the least inconvenience; inasmuch as the Speaker, by confining the discussion rigorously to the amendment only, may prevent their going into the main question, and inasmuch also as so great a proportion of the cases in which the previous question is called for, are fair and proper subjects of public discussion, and ought not to be obstructed by a formality introduced for questions of a peculiar character.

AMENDMENTS.

On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House; but not within the competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will.

* Which is most inconvenient.

Amendments may be made so as totally to alter the nature of the proposition ; and it is a way of getting rid of a proposition, by making it bear a sense different from what was intended by the movers, so that they vote against it themselves. A new bill may be engrafted by way of amendment on the words 'Be it enacted,' &c.

If it be proposed to amend by leaving out certain words, it may be moved as an amendment to this amendment to leave out a part of the words of the amendment, which is equivalent to leaving them in the bill. The Parliamentary question is always whether the words shall stand as a part of the bill ?

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments, before the question is put for inserting it. If it be received, it cannot be amended afterwards, in the same stage ; because the House has, on a vote, agreed to in that form. In like manner, if it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments, before the question is put for striking it out. If on the question it be retained, it cannot be amended afterwards : because a vote against striking out is equivalent to a vote agreeing to it in that form.

When it is moved to amend, by striking out certain words, and inserting others, the manner of stating the question is, first to read the whole passage to be amended as it stands at present, then the words proposed to be struck out, next those to be inserted, and lastly the whole passage as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out. If carried, it is next on inserting the words proposed. If that be lost, it may be moved to insert others.

A motion is made to amend by striking out certain words, and inserting others in their place, which is negatived. Then

it is moved to strike out the same words, and to insert others of a tenor entirely different from those first proposed. It is negatived. Then it is moved to strike out the same words and insert nothing, which is agreed to. All this is admissible; but to strike out and insert A, is one proposition. To strike out and insert B, is a different proposition. And to strike out and insert nothing is still different. And the rejection of one proposition does not preclude the offering a different one. Nor would it change the case were the first motion divided by putting the question first on striking out, and that negatived. For as putting the whole motion to the question at once, would not have precluded, the putting the half of it cannot do it.

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterwards be permitted to strike out A, and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B. In which case those who preferred it would join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition. For then it is resolved into the common case of striking out a paragraph after amending it. Nor does any thing forbid a new insertion instead of A and its coherence.

A bill passed by the one House with blanks. These may be filled up by the other by way of amendments, returned to the first as such and passed.

The number prefixed to the section of a bill, being merely a marginal indication, and no part of the text of the bill, the Clerk regulates that, the House or Committee is only to amend the text.

DIVISION OF THE QUESTION.

If a question contain more parts than one, it may be di-

vided into two or more questions. But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not? where it is complicated? into how many propositions it may may be divided? The fact is, that the only mode of separating a complicated question is, by moving amendments to it; and these must be decided by the House on a question, unless the House orders it to be divided, as on the question Dec. 2, 1640, making void the election of the Knights for Worcester, on a motion, it was resolved to make two questions of it, to wit: one on each knight. So wherever there are several names in a question, they may be divided and put one by one. So 1729, April 17, on an objection that a question was complicated, it was separated by amendment.

1798, May 30, the Alien Bill in Quasi-Committee. To a section and proviso in the original, had been added two new provisoes by way of amendment. On a motion to strike out the section as amended, the question was desired to be divided. To do this it must be put first on striking out either the former proviso, or some distinct member of the section. But when nothing remains but the last member of the section, and the provisoes, they cannot be divided so as to put the last member to question by itself; for the provisoes might thus be left standing alone as exceptions to a rule when the rule is taken away; or the new provisoes might be left to a second question, after having been decided on once before at the same reading; which is contrary to rule. But the question must be on striking out the last member of the section as amended. This sweeps away the exceptions with the rule, and relieves from inconsistency. A question to be divisible, must comprehend points so distinct and entire, that one of them being taken away, the other may stand entire. But a proviso or exception, without an enacting clause, does not contain an entire point or proposition.

CO-EXISTING QUESTIONS.

It may be asked whether the House can be in possession of two motions or propositions at the same time? So that one of them being decided, the others goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House, and does not stand *ipso facto* before them at their next meeting: but must come forward in their usual way. So when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (e. g. the previous question, postponement or commitment,) remove it from before the House. But it is only suspended by a motion to amend, to withdraw, to read papers, or by a question of order or privilege, and stands again before the House when these are decided. None but the class of privileged questions can be brought forward while there is another question before the House, the rule being, that when a motion has been made and seconded, no other can be received, except it be a privileged one.

EQUIVALENT QUESTIONS.

If, on a question for rejection, a bill be retained, it passes of course to its next reading. And a question for a second reading, determined negatively, is a rejection without farther question.

Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other. Thus the negative of striking out amounts to the affirmative of agreeing; and therefore to put a question on agreeing after that on striking out, would be to put the same question in effect twice over. Not so in questions of amendments between the two Houses. A motion

to recede being negatived, does not amount to a positive vote to insist, because there is another alternative, to wit, to adhere.

A bill originating in one House, is passed by the other with an amendment. A motion in the originating House to agree to the amendment is negatived. Does there result from this a vote of disagreement, or must the the question on disagreement be expressly voted? The questions respecting amendments from another House are: 1st, to agree; 2d, disagree; 3d, recede; 4th, insist; 5th, adhere.

1st. To agree, }
2d. To disagree. } Either of these concludes the other necessarily, for the positive of either is exactly the equivalent of the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed, e. g. if it be moved to disagree, those who are for the amendment have a right to propose amendments, and to make it as perfect as they can, before the question of disagreeing is put.

3d. To recede. You may then either insist or adhere.

4th. To insist. You may then either recede or adhere.

5th. To adhere. You may then either recede or insist.

Consequently the negative of these is not equivalent to a positive vote the other way. It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote: for two alternatives still remain, either of which may be adopted by the House.

THE QUESTION.

The question is to be put first on the affirmative, and then on the negative side.

After the Speaker has put the affirmative part of the question, any member who has not spoken before to the question, may rise and speak before the negative be put. Because it is no full question till the negative part be put.

But in small matters, and which are of course such as receiving petitions, reports, withdrawing motions, reading papers, &c., the Speaker most commonly supposes the consent of the House, where no objection is expressed, and does not give them the trouble of putting the question formally.

BILLS, THIRD READING.

To prevent bills being passed by surprise, the House, by a standing order, directs that they shall not be put on their passage before a fixed hour; naming one at which the house is commonly full.

A bill reported, and passed to the third reading, cannot on that day be read the third time and passed; because this would be to pass on two readings in the same day.

At the third reading, the Clerk reads the bill, and delivers it to the Speaker, who states the title; that it is the third time of reading the bill; and that the question will be, whether it shall pass. Formerly, the Speaker, or those who prepared a bill, prepared also a breviat, or summary statement of its contents, which the Speaker read when he declared the state of the bill at the several readings. Sometimes, however, he read the bill itself, especially on its passage.

Latterly, instead of this, he, at the third reading, states the whole contents of the bill verbatim; only, instead of reading the formal parts, 'Be it enacted,' &c., he states, that 'the preamble recites so and so; the first section enacts that,' &c., 'the second section enacts,' &c.

A bill on the third reading is not to be committed for the matter or body thereof; but to receive some particular clause or proviso, it hath been sometimes suffered, but as a thing very unusual. Thus a bill was committed on the third reading, having been formerly committed on the second; but is declared not usual.

When an essential provision has been omitted, rather than erase the bill, and render it suspicious, they add a clause on a separate paper, engrossed, and called a Rider, which is read and put to the question three times. Every one is at liberty to bring in a Rider, without asking leave.

It is laid down as a general rule, that amendments proposed at the second reading shall be twice read; and those proposed at the third reading, thrice read; as also all amendments from the other House.

It is with great and almost invincible reluctance, that amendments are admitted at this reading, which occasion erasures or interlineations. Sometimes a proviso has been cut off from a bill; sometimes erased.

This is the proper stage for filling up blanks; for, if filled up before, and now altered by erasure, it would be peculiarly unsafe.

At this reading the bill is debated afresh, and, for the most part, is more spoken to at this time than on any of the former readings.

The debate on the question, whether it should be read a third time, has discovered to its friends and opponents the arguments on which each side relies, and which of these appear to have influence with the House; they have had time to meet them with new arguments, and to put their old ones into new shapes. The former vote has tried the strength of the first opinion, and furnished grounds to estimate the issue; and the question now offered for its passage, is the last occasion which is ever to be offered for carrying or rejecting it.

When the debate is ended, the Speaker, holding the bill in his hand, puts the question for its passage, by saying, 'Gentlemen, all you who are of opinion that this bill shall pass say 'aye;' and, after the answer of the ayes, 'all those of the contrary opinion say 'no.' After the bill is passed there can be no further alteration of it in any point.

DIVISION OF THE HOUSE.

The affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays have it, by the sound, if he be himself satisfied, and it stands as the judgment of the House. But, if he be not himself satisfied which voice is the greater, or if, before any other member comes into the House, or before any new motion made (for it is too late after that), any member shall rise and declare himself dissatisfied with the Speaker's decision; then the Speaker is to divide the House.

When the House of Commons is divided, the one party goes forth, and the other remains in the House. This has made it important which go forth, and which remain; because the latter gain all the indolent, the indifferent, and inattentive. Their general rule, therefore, is, that those who give their votes for the preservation of the orders of the House shall stay in, and those who are for introducing any new matter or alteration, or proceeding contrary to the established course, are to go out. But this rule is subject to many exceptions and modifications.

The one party having gone forth, the Speaker names two tellers from the affirmative, and two from the negative side, who first count those sitting in the house, and report the number to the Speaker. Then they place themselves within the door, two on each side, and count those who went forth, as they come in, and report the number to the Speaker.

A mistake in the report of the tellers may be rectified after the report made.

In the House of Commons every member must give his vote, the one way or the other. As it is not permitted to any one to withdraw who is in the House when the question is put; nor is any one to be told in the division who was not in when the question was put.

This last position is always true, when the vote is by yeas and nays; where the negative as well as affirmative of the question is stated by the President at the same time, and the vote of both sides begins and proceeds *pari pasu*.* It is true, also, when the question is put in the usual way, if the negative has also been put. But if it has not, the member entering, or any other member, may speak, and even propose amendments, by which the debate may be opened again, and the question be greatly deferred. And as some who have answered aye may have been changed by the new arguments, the affirmative must be put over again.

If, then, the member entering may, by speaking a few words, occasion a repetition of the question, it would be useless to deny it, on his simple call for it.

While the House is telling, no member may speak, or move out of his place; for, if any mistake be suspected, it must be told again.

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House, if irregular. He sometimes permits old experienced members to assist him with their advice; which they do, sitting in their seats, covered, to avoid the appearance of debate; but this can only be with the Speaker's leave, else the division might last several hours.

The voice of the majority decides. For the *lex majoris partis*† is the law of all councils, elections, &c., where not otherwise expressly provided. But if the House be equally divided, '*semper presumatur pro negante*;'‡ that is, the former law is not to be changed, but by a majority.

When, from counting the House, on a division, it appears that there is not a quorum, the matter continues exactly

* With equal gradations—i. e., alphabetically or otherwise.

† Will of the majority. ‡ It is always to be in favor of the negative.

in the state in which it was before the division, and must be resumed at that point on any future day.

May 1, 1606, on a question whether a member having said yea, may afterwards sit and change his opinion, a precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards, in 39 Eliz. who, in like case, his his opinion.

TITLE.

After the bill has passed, and not before, the title may be amended, and is to be fixed by a question; and the bill is then sent to the other House.

RECONSIDERATION.

In Parliament, a question once carried cannot be questioned again at the same session, but must stand as the judgment of the House. And a bill once rejected, another of the same substance cannot be brought in again the same session. But this does not extend to prevent putting the same question in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, though the same amendment has been accepted or rejected in a former stage. So in reports of Committees, e. g. report of an address, the same question is before the House, and open for free discussion. So orders of the House, or instructions to Committees, may be discharged. So a bill, begun in one House, sent to the other, and there rejected, may be renewed again in that other, passed and sent back. Or if, instead of being rejected, they read it once and lay it aside, or amend it, and put it off a month, they may order in another to the same effect, with the same or a different title.

Divers expedients are used to correct the effects of this rule, as by passing an explanatory act, if any thing has been omitted or ill expressed, or an act to enforce, and

make more effectual an act, &c., or to rectify mistakes in an act, &c., or a Committee on one bill may be instructed to receive a clause to rectify the mistakes of another. Thus, June 24, 1685, a clause was inserted in a bill for rectifying a mistake committed by a Clerk in engrossing a bill of supply. Or the session may be closed for one, two, three or more days, and a new one commenced. But then all matters depending must be finished, or they fall, and are to begin *de novo*.* Or a part of the subject may be taken up by another bill, or taken up in a different way.

And in cases of the last magnitude, this rule has not been so strictly and verbally observed, as to stop indispensable proceedings altogether. Thus, when the address on the preliminaries of peace in 1782, had been lost by a majority of one, on account of the importance of the question, and smallness of the majority, the same question in substance, though with some words not in the first, and which might change the opinion of some members, was brought on again and carried; as the motives for it were thought to outweigh the objection of form.

A second bill may be passed to continue an act of the same session; or to enlarge the time limited for its execution. This is not in contradiction to the first act.

BILLS SENT TO THE OTHER HOUSE.

A bill from the other House is sometimes ordered to lie on the table.

When bills passed in one House, and sent to the other, are grounded on special facts requiring proof, it is usual either by message, or at a conference, to ask the grounds and evidence; and this evidence, whether arising out of papers, or from the examination of witnesses, is immediately communicated.

AMENDMENTS BETWEEN THE HOUSES.

When either House, e. g. the House of Commons, sends

a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the Commons disagree to the amendment; the lords insist on it; the Commons insist on their disagreement; the lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose, to keep the question open. But the first adherence by either renders it necessary for the other to recede or adhere also; when the matter is usually suffered to fall. Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless. The term of insisting, we are told by Sir John Trevor, was then newly introduced into parliamentary usage by the lords. It was certainly a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance. But it is not respectful to the other. In the ordinary parliamentary course, there are two free conferences at least before an adherence.

Either House may recede from its amendment and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment. For here the disagreement and receding destroy one another, and the subject stands as before the disagreement.

But the House cannot recede from, or insist on, its own amendment, with an amendment, for the same reason that it cannot send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they cannot amend their own amendment, because they have, on the question, passed it in that form. Nor where one House has adhered to

their amendment, and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence.

In the case of a money bill the lords' proposed amendments become, by delay, confessedly necessary. The Commons, however, refused them as infringing on their privilege as to money bills; but they offered themselves to add to the bill a proviso to the same effect, which had no coherence with the lords' amendments; and urged that it was an expedient warranted by precedent, and not unparliamentary in a case become impracticable, and irremediable in any other way. But the lords refused, and the bill was lost. So the Commons resolved that it is unparliamentary to strike out at a conference any thing in a bill which hath been agreed and passed by both Houses.

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

A bill originating in one House, is passed by the other with an amendment. The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment; that being only in the second and not the third degree. For as to the amending House, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the first degree, and the amendment to that again by the amending House is only in the second, to wit: an amendment to an amendment, and so admissible. Just so when, on a bill from the originating House, the other, at its second reading, makes an amendment, on the third reading this amendment is become the the text of the bill, and, if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the second degree.

CONFERENCES.

It is on the occasion of amendment between the Houses

that conferences are usually asked ; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers.

Conference may be either simple or free. At a conference simply, written reasons are prepared by the House asking it ; and they are read and delivered, without debate, to the managers of the other House, at the conference, but are not then to be answered.

The other House then, if satisfied, vote the reasons satisfactory, or say nothing. If not satisfied, they resolve them not satisfactory, and ask a conference on the subject of the last conference ; where they read and delivered, in like manner, written answers to those reasons.

They are meant chiefly to record the justification of each House to the nation at large, and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them.

At free conferences, the managers discuss *viva voce* and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports in writing, to their respective Houses, the substance of what is said on both sides, and it is entered in their Journals.

“ This report cannot be amended or altered, as that of a Committee may be.”

A conference may be asked, before the House asking it has come to a resolution of disagreement, insisting, or adhering. In which case the papers are not left with the other conferees, but are brought back, to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding. For, as was urged by the lords on a particular occasion, ‘ It is held vain, and below the wisdom of Parlia-

ment, to reason or argue against fixed resolutions, and upon terms of impossibility to persuade.'

So the Commons say, 'An adherence is never delivered at a free conference, which implies debate.' And, on another occasion, the lords made it an objection, that the Commons had asked a free conference, after they had made resolutions of adhering.

It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary, than to proceed with free conferences after adhering. And we do, in fact, see instances of conference, or of free conference, asked after the resolution of disagreeing; of insisting, of adhering, and even of a second or final adherence.

And in all cases of conference asked after a vote of disagreement, &c., the Conferees of the House asking it are to leave the papers with the Conferees of the other; and in one case where they refused to receive them, they were left on the table in the conference-chamber.

After a free conference the usage is to proceed with free conferences, and not to return again to a conference.

After a conference denied a free conference may be asked.

When a conference is asked, the subject of it must be expressed, or the conference not agreed to. They are sometimes asked to inquire concerning an offence or default of a member of the other House. Or the failure of the other House to present to the king a bill passed by both Houses. Or on information received, and relating to the safety of the nation. Or when the methods of Parliament are thought by the one House to have been departed from by the other, a conference is asked to come to a right understanding thereon.

So when an unparliamentary message has been sent, instead of answering it they ask a conference.

Formerly, an address, or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the king, were sometimes communi-

cated by way of conference. But this is not the modern practice.

A conference has been asked after the first reading of a bill. This is a singular instance.

MESSAGES.

Messages between the Houses are to be sent only while both Houses are sitting. They are received during a debate, without adjourning the debate.

In the House of Representatives, as in Parliament, if the House be in Committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into Committee, without any question or interruption.

Messengers are not saluted by the members, but by the Speaker, for the House.

If messengers commit an error in delivering their message, they may be admitted, or called in, to correct their message.

Accordingly, March 13, 1800, the Senate having made two amendments to a bill from the House of Representatives, their Secretary, by mistake, delivered one only; which being inadmissible by itself, that House disagreed, and notified the Senate of their disagreement. This produced a discovery of the mistake. The Secretary was sent to the other House to correct his mistake, the correction was removed, and the two amendments acted on *de novo*.*

As soon as the messenger, who has brought bills from the other House, has retired, the Speaker holds the bills in his hand, and acquaints the House, 'that the other House have, by their messenger, sent certain bills,' and then reads their titles, and delivers them to the Clerk to be safely kept, till they shall be called for to be read.

It is not the usage for one House to inform the other, by what number a bill has passed. Yet they have sometimes recommended a bill, as of great importance, to the considera-

* Anew.

tion of the House to which it is sent. Nor, when they have rejected a bill from the other house, do they give notice of it; but it passes, *sub silentio*,* to prevent unbecoming alterations.

A question is never asked by the one House of the other, by way of message, but only at a conference; for this is an interrogatory, not a message.

When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it. But if it be mere inattention, it is better to have it done informally, by communications between the Speakers, or members of the two Houses.

Where the subject of a message is of a nature that it can properly be communicated to both Houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one House was not noticed by the other, because the declaration, being original, could not possibly be sent to both Houses at the same time.

When the bill is enrolled, it is not to be written in paragraphs, but solidly, and all of a piece, that the blanks between the paragraphs may not give room for forgery.

JOURNALS.

If a question is interrupted by a vote to adjourn, or to proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote; but when suppressed by the previous question, the first question must be stated, in order to introduce and make intelligible the second.

So also when a question is postponed, adjourned, or laid on the table, the original question, though not yet a vote, must be expressed in the journals; because it makes part of the vote of postponement, adjourning or laying on the table.

* In silence.

Where amendments are made to a question, those amendments are not printed in the journals, separated from the question; but only the question as finally agreed to by the House. The rule of entering in the journals only what the House has agreed to, is founded in great prudence and good sense; as there may be many questions proposed which it may be improper to publish to the world in the form in which they are made.

The first order for printing the votes of the House of Commons was Oct. 30, 1685.

Some judges have been of opinion that the journals of the House of Commons are no records, but only remembrances. But this is not law, for the lords in their House have power of judicature, the Commons in their House have power of judicature, and both Houses together have power of judicature; and the book of the Clerk of the House of Commons is a record, as is affirmed by act of parl. 6 H, 8, c. 16, 4 Inst. 23, 24, and every member of the House of Commons hath a judicial place. As records they are open to every person, and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a Committee to inspect the journals of the other, and report what has been done by the other in any particular case. Every member has a right to see the journals, and to take and publish votes from them. Being a record every one may see and publish them.

On information of a mis-entry or omission of an entry in the journal, a Committee may be appointed to examine and rectify it, and report it to the House.

ADJOURNMENT.

The two Houses of Parliament have the sole, separate, and independent power of adjourning each their respective Houses.

A motion to adjourn simply cannot be amended as by adding 'to a particular day.' But must be put simply 'that this House do now adjourn,' and if carried in the affirmative, it

is adjourned to the next sitting day, unless it has come to a previous resolution 'that at its rising it will adjourn to a particular day,' and then the House is adjourned to that day.

Where it is convenient that the business of the House be suspended for a short time, as for conference presently to be held, &c., it adjourns during pleasure; or for a quarter of an hour.

If a question be put for adjournment it is no adjournment till the Speaker pronounces it. And from courtesy and respect, no member leaves his place till the Speaker has passed on.

CITIZENS' MANUAL.

INTRODUCTION.

All associations, literary, legislative or for business purposes, should have rules of order, formed on a common basis, and such as have been approved by experience. The right method of conducting the business of public meetings is very simple and easily understood.

The object of this work in the following pages is to offer a guide to facilitate the forming and conducting of such organizations—political, literary, or pertaining to business—as the people may naturally have occasion for.

Parliamentary rules have been perfected by long use and experience. Mr. Jefferson compiled those we see in the preceding pages, and they have remained, as he intended, a general guide of legislative action in the United States. The Citizens' Manual, which follows, is a brief and comprehensive adaptation of the general rules governing legislative bodies to the government of societies and organizations. In every county there should be an agricultural society. In every neighborhood there should be a lyceum or debating society, and the meetings of county commissioners and supervisors are, or should be, governed by rules of order, which already exist, formed by long experience in the legislative bodies of England and the United States.

Village lyceums have been a school for such minds as Ben-

jamin Franklin and Henry Clay, and from these small beginnings great careers have been developed. It is important that they should exist, and that they should be conducted upon well received rules of order. It is believed that any intelligent person may, by this means, acquire a competent knowledge of the way public assemblies should be conducted; and such a knowledge is often of great advantage, as by its means turbulent conduct is quelled and the parliamentary often accomplishes by strategy the results that are denied to eloquence or mental power.

HOW TO FORM SOCIETIES.

If you wish to form an agricultural society, or any literary or social organization, first enlist in the cause a sufficient number of your friends who are favorable to it, and call a meeting for the purpose of completing the organization, giving as public notice of the meetings and the object desired as may seem best.

Let some person interested, at the proper hour, rise and explain the object of the meeting, and the appointment of a chairman and secretary would be advisable. Then a permanent organization must be effected. A committee should be appointed to prepare and report a constitution and by-laws at some future meeting, which should be something like the following in form and effect:

FORM OF CONSTITUTION FOR LITERARY SOCIETIES.

We, the undersigned, hereby adopt the following constitution and the several by-laws that may be enacted in accordance therewith.

ARTICLE I. This society shall be known as—(here insert name of society, its object and plan.)

ARTICLE II. 1. Any person making application and receiving —— of the votes of the members present may become a member of this society by subscribing the constitution and by-laws and paying an initiation fee of ——.

2. The society may create such honorary and corresponding members as it may hereafter decide upon.

3. Only active members may participate in debate or proceedings, except upon a vote of two-thirds of the members present, according the privilege in specific cases.

4. The monthly dues of each member shall be ——— cents.

5. Any member convicted of immoral, disreputable or disorderly conduct may be expelled the society, after an impartial trial, upon a two-thirds vote of the members present, provided the accusation be made at some previous meeting.

ARTICLE III. 1. The officers of this society shall be a President, Vice-President, Secretary and Treasurer, and such other as the society may deem necessary to elect from time to time.

2. The election of officers shall be held once in ——— by a majority of the members present, and they shall hold until their successors are duly elected and qualified.

3. One-half of the members of the society shall form a quorum for the transaction of business. Debate may go on without the presence of a quorum.

ARTICLE IV. The regular meetings of the society shall be held on ———, and the anniversary meeting on the ———.

ARTICLE V. The formation or amendment of any by-law must be proposed at one meeting and acted on at another.

ARTICLE VI. 1. Amendments to this constitution may be adopted after being proposed as required for by-laws, if such amendment receives a vote of more than one-half of the members of the society.

2. Any rule may be suspended by the vote of two-thirds of the members present at any meeting.

BY-LAWS.

1. Vacancies in office may be filled by election at any meeting when a quorum is present. But the President or Vice President, when presiding, may appoint persons to act temporarily, as an officer, when such officer is absent.

2. The Vice President shall preside in the absence of the President, and if both are absent, a chairman may be elected for the time being.

3. Any member failing to attend a regular meeting of the Society, shall be fined — cents, which fine may be remitted by the President for good cause.

4. Any member who shall be — months in arrears shall forfeit his membership, and the Secretary shall strike his name from the rolls.

5. The regular election shall be held at the anniversary meeting, and upon that occasion plans for debates, lectures and operations for the year shall be adopted, so far as possible.

6. Special meetings shall be called by the President, or by one-third of the members of the Society.

7. The meetings of the Society—except on business—shall be open to the public.

8. The following rules of order are adopted :

1. Order of business:—Calling the roll; reading and correcting minutes of last meeting; reports of committees; unfinished business; new business; literary exercises.

2. Any person who shall violate rules of order may be fined — cents for each offense by the President; and all members must obey the orders of the presiding officer, unless sustained by appeal from the chair to the members present.

3. Parliamentary rules as laid down by ——— are hereby adopted for regulating the conduct of this Society.

4. No member shall speak more than — or longer than — minutes, without leave of the Society.

POLITICAL CONVENTIONS.

We will suppose a political convention or mass meeting is assembled, and needs an organization, in which case

there must be some central committee or agents who have made a call for such a meeting, and the chairman of the committee, or the principal mover, will naturally arise and move that a temporary organization be effected, and for that purpose nominate some person as chairman. He shall put the question and declare the result. The chairman so elected will come forward, and state that the next business will be to provide a temporary secretary, and after his election it will be proper to proceed to effect a permanent organization.

The first movement towards permanent organization, will be the appointment of a committee on credentials, who shall receive all the credentials of members, and after retiring to consider them, shall make a report as to those they consider duly elected and entitled to membership of the convention.

When the question as to membership is duly settled, those confirmed as legal members shall proceed to elect permanent officers, which may be done by nominations made and ballots taken for each officer, or as is usual, a committee on permanent organization may be appointed who shall report a list of officers, which the convention shall ratify or not, as it may see fit. This is the easiest and usual course.

A committee on resolutions is usually appointed, who report a "platform" of principles for the adoption of the convention, and as the basis of party action.

The president usually states the objects of the convention and the business before it, which is usually the nomination of candidates for official position; and this business will proceed in natural order—the most important officer being usually acted upon first.

A motion must always be made and seconded before the presiding officer can notice it. When he rises and says: "It is moved and seconded that the convention proceed to

ballot for a candide for sheriff of this county," or whatever else the motion may be.

Whenever a motion is put, he says: "Those in favor of the motion will say aye?" And waiting to hear the response, he adds: "Those opposed to the motion will say no;" and having heard the responses and judged as to the result, he will say: "The motion prevails," or, "The ayes have it," if it is in the affirmative; or, "The motion is lost," or, "The noes have it," if in the negative.

An adjournment is moved and carried as any other motion. If it is to any particular time or hour, the president announces that "The convention stands adjourned until to-morrow morning at nine o'clock," or whatever time, place or hour is named. When the business is all completed, the convention adjourns "*sine die*"—which is "without day"—and its existence ceases.

GENERAL RULES TO GOVERN SOCIETIES—PRESIDING OFFICER.

1. The president, and in his absence the vice president, and in their absence, a chairman elected by the meeting, should preside and decide points of order.

2. All motions in order, duly made and seconded, shall be put by the chair, and he shall give the action of the meeting in reference to them.

3. He shall appoint the standing and select committees required by the action of the society.

4. He shall recognize the member first on the floor as entitled to speak, and restrain all personalities of debate.

5. He may state questions sitting, but should rise to put them.

SECRETARY.

1. He shall keep a record of all the action of the society, and read all papers and documents that are placed in his hands for that purpose by the society.

2. He shall keep an account of all fines and penalties, collect same and pay them over to the treasurer.

3. He shall notify members of committees of their appointment, and put in the hands of committees all business committed to their consideration.

4. He shall preserve all the records of the society, and properly file all business papers coming into his hands.

5. He shall keep an accurate list of all committees that are in actual operation, for convenient reference.

6. He shall register the names of all members, giving the date when they join the society, and marking the date when they cease to become members.

7. At the expiration of his term, he shall turn over all the books, papers and property of the society to his successor in office.

TREASURER.

1. He shall receive, safely keep, and upon the proper order of the society, shall pay out the money of the society.

2. He shall take receipts for all money so paid out, or preserve the orders of the society as his vouchers.

3. At the expiration of his term he shall turn over all books, papers and money in his hands as treasurer to his successor in office.

LIBRARIAN.

A librarian should have charge of the books, papers, and magazines belonging to the society, and conform to the orders of the society, regulating the library and prescribing his duties.

COMMITTEES.

1. Standing committees should be appointed to consider finances, membership, library, and such matters as are deemed of regular and general importance.

2. Special committees shall be appointed to act upon matters temporarily arising, that need immediate attention.

3. Committees are expected to examine matters of interest to the society, and which every member cannot find time to investigate. They report their opinion of the same, and the grounds on which it is based, as a guide for the action of the society.

4. The chairman of a special committee is generally the mover of the matter, and is always supposed to be friendly to it.

5. Committees are generally appointed by the president or chairman, though not necessarily.

CONSIDERATION OF MOTIONS.

1. Whenever any important matter arises, it is usual to commit it to some committee, which is done on motion of some member.

2. The secretary transmits the matter to the committee, who examine and report their conclusions, when the society makes final disposition of it.

3. It is not necessary that motions should be committed. They may be acted on immediately or may be laid on the table, and may again come before the society at a future time. They may be indefinitely postponed, which is equal to killing the measure entirely.

4. Jefferson's manual affords a guide for consideration and decision of motions and action of committees more perfect than we can here briefly give.

ADJOURNMENT.

1. A motion to adjourn is always in order, if some other motion intervenes so that two similar motions do not occur.

2. Adjournment may be for a short time to have conference on some point, until some hour named or *sine die*, which is permanent.

ORDER OF BUSINESS.

1. The regular order of business to be pursued should be laid down in the by-laws of the society.

2. Special order of business may be fixed by appointing some particular time when a certain subject shall be acted upon.

REFERENCE TO JEFFERSON'S MANUAL.

Jefferson's Manual plainly sets forth the following matters of parliamentary rules, which are adapted to the use of societies :

1. The previous question ;
2. Motions ;
3. Amendment ;
4. Division of a question ;
5. Motion to reconsider ;
6. Privileged questions.

APPEAL.

1. Any decision of the chair may be appealed to the decision of the whole meeting, on a motion made and seconded.

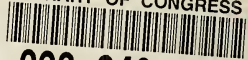
2. The presiding officer should put the question of appeal thus, "shall the decision of the chair be sustained?"

3. A vote of a majority sustains the appeal, and overrules the decision of the chair.





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